

2 September 2014

The Hon Robert Stokes, MP  
Level 32 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

[office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au)

Dear Minister Stokes

### **Broulee Biodiversity Certification Application**

Eurobodalla Shire Council, as a planning authority, has prepared this Biodiversity Certification assessment for your evaluation and determination.

This assessment commenced over four years ago and has involved a large volume of work at significant cost to all parties involved. The project to date has been co-funded by grants from the Office of Environment and Heritage, the Department of Planning and Council.

The Broulee Biodiversity Certification Strategy has been developed as a strategic solution to ongoing planning, development and biodiversity issues in the remaining undeveloped urban area of Broulee and concerning the re-development of Council land at Moruya airport, Captain Oldrey Reserve at Broulee and now also land at Moruya Racecourse. The approach enables practical decision making and a coordinated method to offset the impacts of development.

Without Biocertification, the individual landowners would be required to undertake a site by site species impact assessment of the effect of any development on threatened species on their land. This process being extremely costly, time consuming and without guarantee for development to proceed, given the existing 'red flag' to development under the Threatened Species Conservation Act 1995 that applies to any clearing on this land at the present time.

As such, Biodiversity Certification has been identified in consultation with the State Government agencies as the most appropriate, equitable and efficient mechanism to address the competing biodiversity conservation and development issues in the Broulee urban, Moruya airport and racecourse precincts.

The enclosed package comprises:

- Biodiversity Certification Application and Strategy 2013
- Expert Report
- Exhibition details and submissions report
- Biodiversity Certification Application and Strategy Addendum 2014
- Exhibition details and submissions report
- Biodiversity Certification Agreements
- Biobanking Agreement application 2014

Council now submits a slightly amended final Assessment Area (see Figures 1 and 2). This final amendment has resulted from the late withdrawal of two small fragments (0.6 ha) from the proposed Biodiversity Certification Area (see Figure 3). This minor amendment reduces the proposed certified area from 77ha down to 76.4ha, with the Conservation Area remaining at 413ha; 405ha being secured via a Biobanking Agreement and 8ha being subject of a Planning Instrument conservation measure.

The owners of the two small fragments have indicated that they are not in a position to enter into a Biodiversity Certification Agreement or commit to purchase of credit at this point. Without security of credit purchase, Council is unable to include these properties in this application for Certification. Any future development of these two areas will require a species impact statement to be carried out or if the owners wish to enter into a biodiversity certification agreement, Council may apply to the Minister to amend the Biodiversity Certification to include either or both of these areas.

The establishment of the 405ha permanent and funded Conservation Area necessitates a significant investment to fund management. If owners do not sign a biodiversity certification agreement that commits them to purchasing credits to fund the management of the Biobank site, the shortfall in funding would burden Council and therefore the community.

Council seeks conferral of Biodiversity Certification of this amended area, having considered:

The issue of equity:

All other landholders within the Certification Area have committed to purchase of credit, at a known price, prior to commencement of development. This security is provided by individual Biodiversity Certification Agreements.

Community expectation:

Submissions received during exhibition of the Biodiversity Certification proposal communicated a very clear message regarding costs and contributions. The community demands that the private benefit of the biocertification process be reflected in an appropriate developer financial contribution toward ongoing management of the Conservation Area (Biobank site). There is a legitimate expectation that the whole community would not be left to fund the obligations of this process.

Impact on Assessment

The excision of these two small areas does not impact on the overall maintain or improve outcome. In fact, the small reduction in certified land means that there is a greater surplus of ecosystem and species credits provided by the conservation area.

Lot/DP	Owner	Area	Ecosystem credit (EC) required to offset development	White-footed Dunnart Species credit (SC) required to offset development	Total
11/1066592	Mogo Aboriginal Lands Council	0.4	13.4	10.4	23.8
2/718667	Broulee Primary School	0.2	6.7	5.2	11.9
<b>TOTALS</b>		0.6	20.1	15.6	35.7

Table above: Credit associated with excised parcels

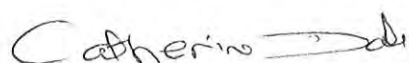
EC Required (Bangalay)	EC created (Bangalay)	EC excised (Bangalay)	EC surplus (Bangalay)	EC surplus (excision) (Bangalay)
2583	2785	20.1	20	222.1
SC Required	SC created	SC excised	SC surplus	SC surplus (excision)
1993	2432	15.6	439	454.6

Table above: Change in credit surplus (Biobank Site only) as a result of excision.

(PI is the credit derived through the application of a planning instrument conservation measure)

In the interests of transparency, equity and affordability, Council now submits this application and requests that in conferring certification, you consider this minor variation to the Certification area in your final decision.

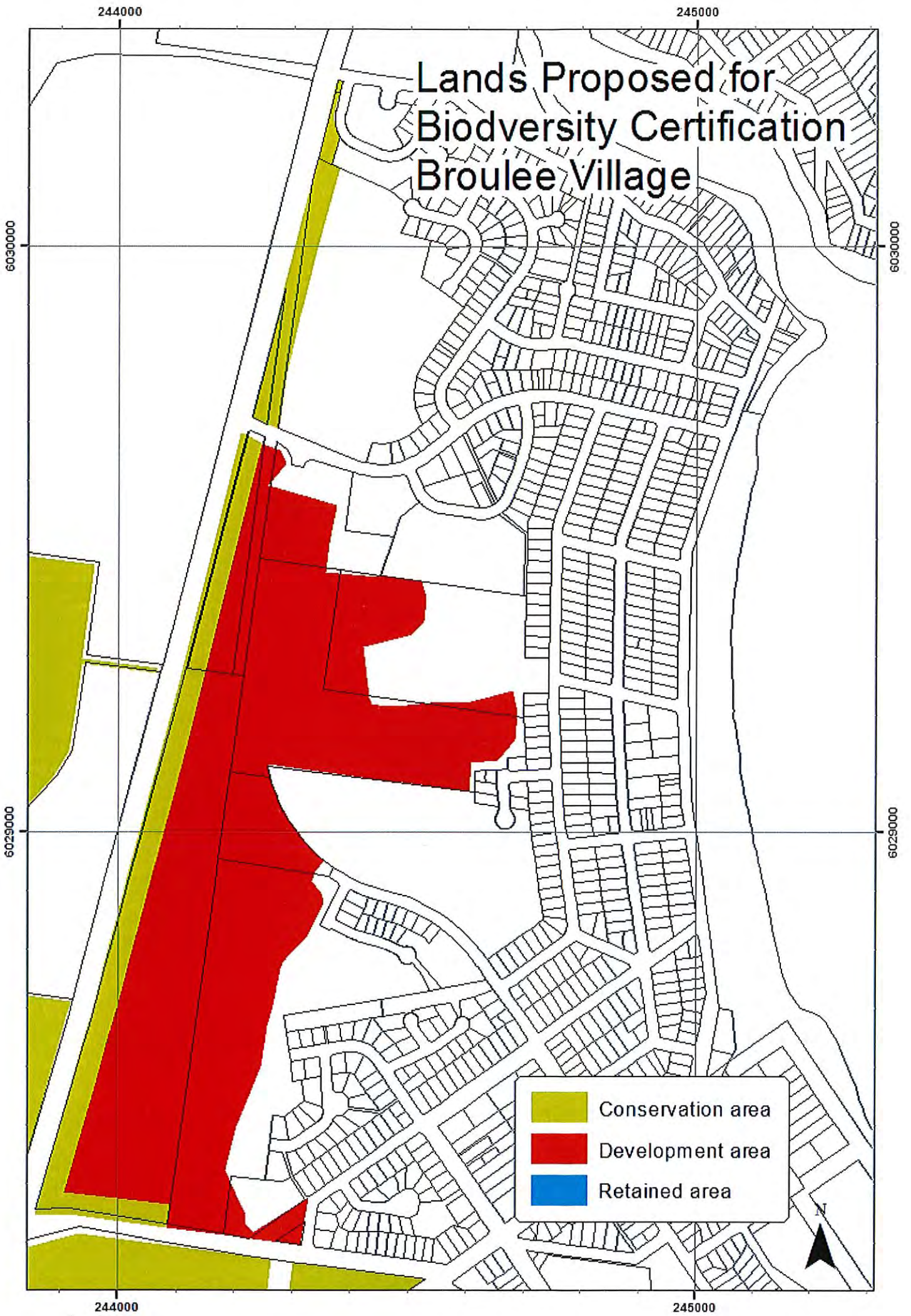
Yours faithfully



Dr Catherine Dale  
General Manager

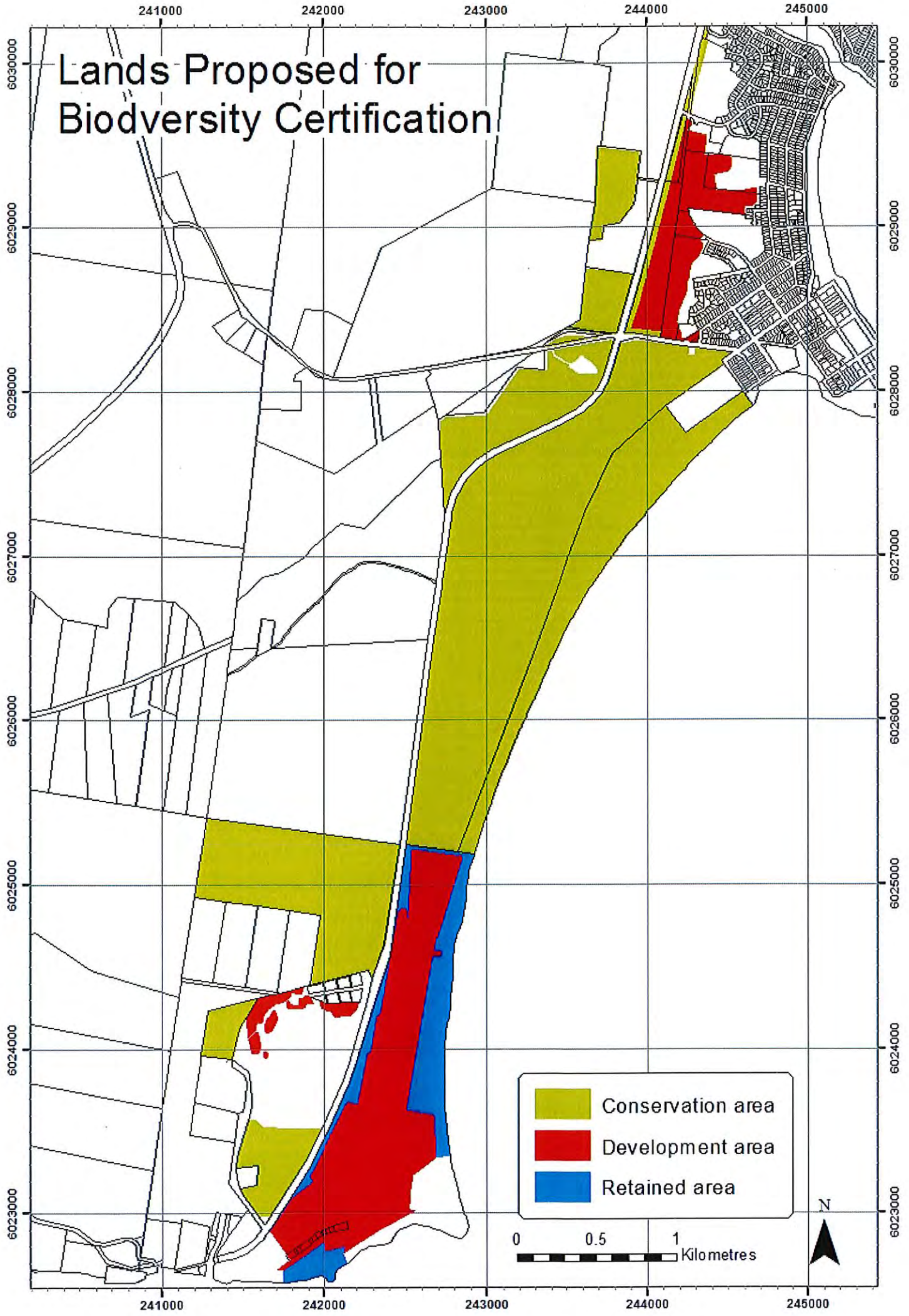


# Lands Proposed for Biodiversity Certification Broulee Village





# Lands Proposed for Biodiversity Certification





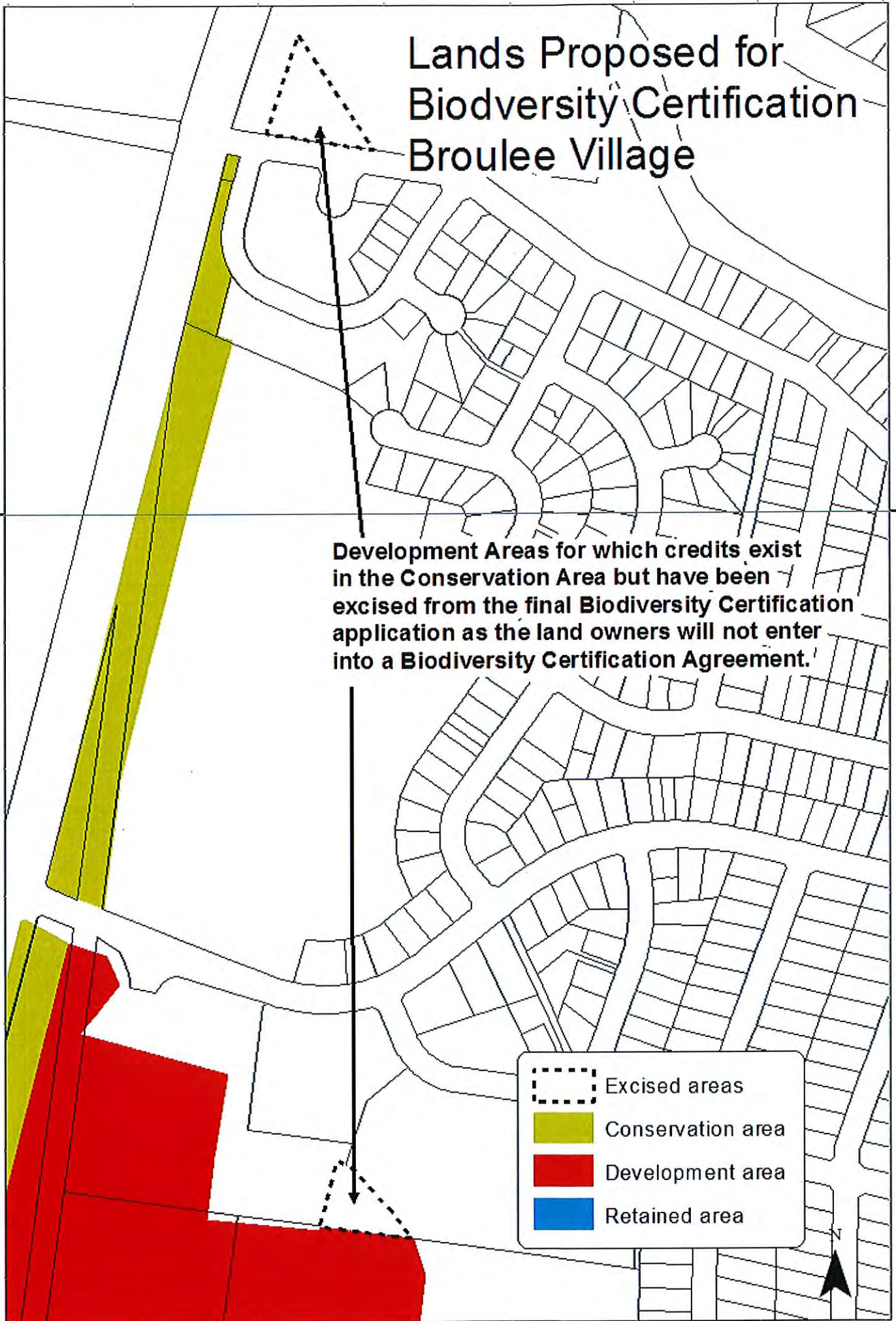
# Lands Proposed for Biodiversity Certification Broulee Village

Development Areas for which credits exist in the Conservation Area but have been excised from the final Biodiversity Certification application as the land owners will not enter into a Biodiversity Certification Agreement.

- Excised areas
- Conservation area
- Development area
- Retained area

6030000

6030000





## Biodiversity certification application

Complete this form if you wish to apply to the Minister for the Environment for biodiversity certification under the *Threatened Species Conservation Act 1995*.

Before completing this form, please read the Biodiversity Certification Assessment Methodology at [www.environment.nsw.gov.au/biocertification/index.htm](http://www.environment.nsw.gov.au/biocertification/index.htm). If you need help with completing the form, please phone 131 555.

This is an interactive form. Click on the check boxes and type in your responses. Each field has unlimited characters.

When you have completed the form, print it and **sign where necessary**. Then **post it to**:

Minister for the Environment  
c/- the Chief Executive, Office of Environment and Heritage  
PO Box A290  
SYDNEY SOUTH NSW 1232.

### 1 Applicant

An applicant for biodiversity certification must be a planning authority (e.g. a local council or the Director-General of the Department of Planning and Infrastructure). If this is a joint application from multiple planning authorities, each authority's details must be provided. The form provides fields for two planning authorities. Photocopy extra pages if more than two planning authorities are involved.

Planning authority 1			
Name	Eurobodalla Shire Council		
ABN	47504455945		
Street address			
Address	Vulcan Street		
Town	Moruya		
State	NSW	Postcode	2537
Mailing address (if different from above)			
Address	PO Box 99		
Town	Moruya		
State	NSW	Postcode	2537
Main contact			
Name	Shannon Burt		
Phone	(02) 4474 1326	Mobile	
Fax	(02) 4474 1234	Email	shannon.burt@eurocoast.nsw.gov.au
Alternative contact			
Name	Lindsay Usher		

Phone	(02) 4474 1000	Mobile	
Fax	(02) 4474 1234	Email	lindsay.usher@eurocoast.nsw.gov.au
<b>Planning authority 2 (if applicable)</b>			
Name			
ABN			
<b>Street address</b>			
Address			
Town			
State		Postcode	
<b>Mailing address (if different from above)</b>			
Address			
Town			
State		Postcode	
<b>Main contact</b>			
Name			
Phone		Mobile	
Fax		Email	
<b>Alternative contact</b>			
Name			
Phone		Mobile	
Fax		Email	

## 2 Other proposed parties to biodiversity certification

The applicant(s) may propose any other person or body to be a party or parties to the biodiversity certification. By signing section 13 of this application form, such a person or body consents to being made a party to the biodiversity certification. This form provides fields for two proposed parties. Photocopy extra pages if more than two parties are proposed.

<b>Proposed other party 1 (if applicable)</b>			
Name			
ABN			
<b>Street address</b>			
Address			
Town			
State		Postcode	
<b>Mailing address (if different from above)</b>			
Address			



<b>Town</b>			
<b>State</b>		<b>Postcode</b>	
<b>Main contact</b>			
<b>Name</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Fax</b>		<b>Email</b>	
<b>Alternative contact</b>			
<b>Name</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Fax</b>		<b>Email</b>	
<b>Proposed other party 2 (if applicable)</b>			
<b>Name</b>			
<b>ABN</b>			
<b>Street address</b>			
<b>Address</b>			
<b>Town</b>			
<b>State</b>		<b>Postcode</b>	
<b>Mailing address (if different from above)</b>			
<b>Address</b>			
<b>Town</b>			
<b>State</b>		<b>Postcode</b>	

<b>Main contact</b>			
<b>Name</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Fax</b>		<b>Email</b>	
<b>Alternative contact</b>			
<b>Name</b>			
<b>Phone</b>		<b>Mobile</b>	
<b>Fax</b>		<b>Email</b>	

### 3 Proposed land for biodiversity certification

List all parcels of land proposed for biodiversity certification. The land proposed for biodiversity certification is the land proposed for future development. A map showing the boundaries of the

biodiversity certification area is also required. Sections 4 and 5 deal with the area(s) of land conservation measures will be implemented on.

If any area of the land is identified as being in a 'red flag area' (see section 2.4 of the Biodiversity Certification Assessment Methodology), biodiversity certification cannot be conferred unless the Director General has determined that the impacts on the red flag area may be offset (a 'red flag variation').

<b>Location</b>			
<b>Name (if any)</b>	<b>Undeveloped urban zoned land in Broulee and land at Moruya Airport.</b>		
<b>Total area proposed for certification (hectares)</b>	<b>77Ha</b>		
<b>Title reference (lot and DP numbers and folio identifiers)</b>	<b>Lot</b>	<b>Deposited Plan</b>	
	<b>Description</b>		
	4	1090948	Part lot. Airport Concept Plan (2006) footprint. Bruce Cameron Drive, Moruya.
	3	633700	Part lot. Broulee Road.
	50	837279	Part lot. Broulee Road.
	28	1172003	Part lot. Heath Street.
	9	1068530	Part lot. Adams way.
	13	1136019	Part lot. Heath Street.
	58	245167	Part lot. Captain Oldrey Park.
	2	718667	Part lot. Broulee Primary School.
	20	1174639	Part lot. Train Street.
	1	825610	Part lot. George Bass Drive.
			Unformed crown road off Train Street
	11	1066592	Part lot. George Bass Drive.
	89	1093710	Corner Lot. Clarke Street.
		Unformed road segment Clarke Street	
41	1036166	Part Lot. Moruya Racecourse	



<p>Is a red flag variation(s) sought in accordance with section 2.4 of the Biodiversity Certification Assessment Methodology? (See explanatory text above.)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If 'yes', explain how the criteria in section 2.4.1 of the Biodiversity Certification Assessment Methodology will be met.</p>	<p>Refer to s3.3.1 (a) and (b) of the Broulee Biodiversity Certification Strategy 2013 (pages 24-26)</p>
<p>What measures are proposed to mitigate the indirect impacts of biodiversity certification on biodiversity values (required under Chapter 6 of the Biodiversity Certification Assessment Methodology)?</p>	<p>Refer to s3.7 of the Broulee Biodiversity Certification Strategy 2013 (pages 37-41)</p>

Note: Attach separate documents including maps.

#### 4 Conservation measures proposed to be implemented on land within the biodiversity certification assessment area

<p><input type="checkbox"/> There is no land in the biodiversity certification assessment area proposed for conservation measures (go to section 5)</p>
<p><input checked="" type="checkbox"/> There is land in the biodiversity certification assessment area proposed for conservation measures (specify below)</p>

Specify the conservation measures proposed to be implemented on land in the biodiversity certification assessment area and list all parcels of land on which these conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

<b>Conservation measure (land within assessment area) 1</b>	
<p>Type of conservation measure</p>	<p>Biobanking Agreement</p>

Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	Eurobodalla Shire Council PO Box 99 Moruya NSW 2537 ABN 47504455945		
Timing of implementation of conservation measure	Following conferral of Certification		
Property name and/or street address (if any)	Multiple parcels within the Assessment area		
Number of hectares on which proposed conservation measure will apply	405Ha		
Title reference (lot and DP numbers and folio identifiers)	<b>Lot</b>	<b>Deposited Plan</b>	<b>Description</b>
	70	831111	Part Lot. George Bass Drive north of airport 'Bengello' and Corner George Bass Drive and Broulee Road
	8	258299	Part Lot. George Bass Drive north of airport 'Bengello'
	4	1090948	Part Lot. George Bass Drive, Williga (Y) Swamp
	12	831878	Corner George Bass Drive and Broulee Road
	10	831878	George Bass Drive, Illawong Swamp
	11	771575	Part Lot. Donnelly Drive west of racecourse
	49	1016474	Part Lot. Donnelly Drive south of racecourse
	Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input checked="" type="checkbox"/> Yes No	
<b>Conservation measure (land within assessment area) 2</b>			
Type of conservation measure	Planning Instrument Conservation Measure		
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	Eurobodalla Shire Council PO Box 99 Moruya NSW 2537 ABN 47504455945		



Timing of implementation of conservation measure	Following conferral of Certification		
Property name and/or street address (if any)	Multiple parcels within the Assessment area		
Number of hectares on which proposed conservation measure will apply	8.3Ha		
Title reference (lot and DP numbers and folio identifiers)	<b>Lot</b>	<b>Deposited Plan</b>	<b>Description</b>
	3	633700	Part Lot, Broulee Road (private tenure)
	1	825610	Part Lot, George Bass Drive (private tenure)
			Part Lot, Crown Road
	2	825610	ESC Community Land, George Bass Drive
			Part Lot, Crown Road
	1	1037342	Part Lot, <b>61 Train Street</b> (private tenure)
	34	1138952	ESC Community Land, <b>Martin Place</b>
	64	739830	ESC Community Land
Is a biodiversity certification agreement proposed to secure the conservation measure? If 'yes', attach a copy of the draft agreement to this form.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Broulee Development Control Plan in preparation</b> <b>Eurobodalla Local Environmental Plan 2012 amendment required</b>		

Note: If the conservation measure is a planning instrument, supply the relevant local environmental plan or development control plan, including zoning maps.

## 5 Conservation measures proposed to be implemented on land outside the certification assessment area (other than retirement of biodiversity credits and financial contributions)

<input checked="" type="checkbox"/> There is no land outside the biodiversity certification assessment area proposed for conservation measures (go to section 6)
<input type="checkbox"/> There is land outside the biodiversity certification assessment area proposed for conservation measures (specify below)

Specify the conservation measures proposed to be implemented on land outside the biodiversity certification assessment area and list all parcels of land on which the conservation measures are proposed. A map showing the boundaries of the conservation measure area(s) is also required.

Do not include conservation measures involving the retirement of biodiversity credits or financial contributions here as these will be dealt with in sections 6 and 7 respectively.

This form provides fields for two conservation measures. Photocopy extra pages if there are more than two conservation measures.

<b>Conservation measure (land outside assessment area) 1</b>	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	
Is a biodiversity certification agreement proposed to secure the conservation measure?  If 'yes', attach a copy of the draft agreement to this form.	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Conservation measure (land outside assessment area) 2</b>	
Type of conservation measure	
Party responsible for implementing the conservation measure (include name, contact details and ACN or ABN if corporation)	
Timing of implementation of conservation measure	
Property name and/or street address (if any)	
Number of hectares on which proposed conservation measure will apply	
Title reference (lot and DP numbers and folio identifiers)	



<p><b>Is a biodiversity certification agreement proposed to secure the conservation measure?</b></p> <p>If 'yes', attach a copy of the draft agreement to this form.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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## 6 Biodiversity credits proposed to be (purchased and) retired as a conservation measure

<p>There are no biodiversity credits to be retired as a conservation measure (go to section 7)</p>
<input checked="" type="checkbox"/> There are biodiversity credits to be retired as a conservation measure (specify below)

Specify the type of biodiversity credit and the number of credits to be retired. Specify who currently holds the credits. Photocopy extra pages if required.

Type of credit (ecosystem/species)	Name of credit	Number of credits	Current credit holder (name and ID number)	Timing of purchase/retirement of credits*
Ecosystem	Ecosystem	2583	Eurobodalla Shire Council	
Species	White Footed Dunnart	1993	Eurobodalla Shire Council	

Timing is determined by the Minister under section 126Y 2(b) of the *Threatened Species Conservation Act 1995*

## 7 Financial contribution proposed as a conservation measure and secured by a biodiversity certification agreement

<input checked="" type="checkbox"/> There is no financial contribution proposed as a conservation measure (go to section 8)
<input type="checkbox"/> There is a financial contribution proposed as a conservation measure (specify below)

List any financial contribution (other than special infrastructure contributions which are dealt with in section 8) proposed as a conservation measure.

<p><b>Conservation measure (financial contribution)</b></p>
---

<b>Party responsible for providing financial contribution (include name, contact details and ACN or ABN if corporation)</b>	
<b>Date(s) by which financial contribution is proposed to be provided</b>	
<b>Number and type of credits used to calculate financial contribution</b>	
<b>Amount of financial contribution</b>	
<b>Number and type of credits to which financial contribution is equivalent</b>	
<b>Details of conservation measures proposed to be funded by the financial contribution</b>	
<b>Is a biodiversity certification agreement proposed to secure the financial contribution?</b> <b>If 'yes', attach a copy of the draft agreement to this application.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## 8 Special infrastructure contribution (SIC) proposed as a conservation measure

<input checked="" type="checkbox"/> There is no SIC proposed as a conservation measure (go to section 9)
<input type="checkbox"/> There is a SIC proposed as a conservation measure (specify below)

<b>Special infrastructure contribution (SIC)</b>	
<b>Details of SIC area declaration and Minister for Planning and Infrastructure's SIC determination</b>	
<b>Amount of SIC to be dedicated to conservation measures for the purposes of biodiversity certification</b>	



<b>Number and type of credits to which SIC is equivalent</b>	
<b>Estimated timing of SIC collection into SIC Fund (including commencement of SIC collection and estimated collection rate)</b>	
<b>Estimated timing of SIC payments out of SIC fund for the purpose of funding conservation measures</b>	
<b>Details of conservation measures proposed to be funded by the SIC</b>	

**Note: Please attach evidence of support from Director-General of the Department of Planning and Infrastructure**





## 10 Documentation required to be attached


<b>X</b>	<b>Biodiversity certification strategy</b>
<p>The biodiversity certification strategy must detail:</p> <p>X land proposed for biodiversity certification</p> <p>X land proposed for biodiversity conservation</p> <p>X proposed conservation measures</p> <p>N/A parties to the biodiversity certification</p> <p>Both hard copies and electronic copies (on CD) of all information are required.</p>	
<b>X</b>	<b>Biodiversity certification assessment report</b>
<p>The assessment report should cover all land in the biodiversity certification area and all land proposed for conservation measures.</p> <p>Both hard copies and electronic copies (on CD) of all information are required.</p>	
<b>N/A</b>	<b>Biodiversity certification agreement(s)</b>
<p>Attach any draft or executed biodiversity certification agreements that relate to the conservation measures proposed in this form.</p>	

## 11 Public notification – OEH Office Use Only

This section is to be completed after the application form has been submitted and notification requirements have been met.

<b>Name of newspaper where notification published</b>	
<b>Date of publication</b>	
<b>Start date of notification period</b>	
<b>End date of notification period</b>	
<b>Public submission response report provided?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## 12 BioBanking Assessor declaration

<b>Name</b>	Paula Pollock
<b>Accreditation number</b>	0066
<b>Declaration</b>	<p>I declare that all information supplied in relation to the biodiversity certification assessment complies with the Biodiversity Certification Assessment Methodology and, where applicable, the BioBanking Assessment Methodology.</p> <p>I understand that I am personally accountable for the validity of all data collected and analysis performed and that I have adequately supervised all support team members for this assessment.</p> <p>I have undertaken this assessment within the terms of my accreditation as a BioBanking Assessor and have adhered to the BioBanking Assessor code of conduct.</p>
<b>Signature</b>	

### 13 Consent of other proposed parties

Photocopy extra pages if there are more than three other proposed parties

<b>Name</b>	
<b>Consent</b>	<b>In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.</b>
<b>Signature</b>	

<b>Name</b>	
<b>Consent</b>	<b>In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.</b>
<b>Signature</b>	

<b>Name</b>	
<b>Consent</b>	<b>In accordance with s. 126Z(2)(b), I consent to being made a party to the biodiversity certification.</b>
<b>Signature</b>	



## 14 Signature(s) of the planning authority(s)

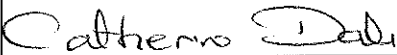
This application should be signed by the legal representative(s) of the planning authority or authorities). The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Planning authority	Application is signed and certified by
<input checked="" type="checkbox"/> <b>A local council</b>	<input checked="" type="checkbox"/> <b>The general manager (or delegate) in accordance with s.377 of the Local Government Act 1993 (LG Act), or</b> <input type="checkbox"/> <b>The seal of the council being affixed in a manner authorised under the LG Act</b>
<input type="checkbox"/> <b>Minister for Planning</b>	<input type="checkbox"/> <b>Minister for Planning and Infrastructure, or</b> <input type="checkbox"/> <b>Delegate of the Minister for Planning and Infrastructure</b>
<input type="checkbox"/> <b>Director-General of the Department of Planning and Infrastructure</b>	<input type="checkbox"/> <b>Director-General of the Department of Planning and Infrastructure, or</b> <input type="checkbox"/> <b>Delegate of the Director-General of the Department of Planning and Infrastructure</b>
<input type="checkbox"/> <b>Other (specify)</b>	

I/we:

- apply to the Minister administering the *Threatened Species Conservation Act 1995* for biodiversity certification of land identified in section 3 of this form, and
- include particulars of the biodiversity certification strategy, and
- declare that the information in this biodiversity certification application (including any attachments) is not false or misleading in any material particular.

Photocopy extra pages if there are more than four signatories.

Signature		Signature	
Name	Catherine Dale	Name	
Position	General Manager	Position	
Date	2/9/14	Date	

Signature		Signature	
Name		Name	
Position		Position	
Date		Date	

Affix common seal (if signing under seal)

## **15 Lodging the application**

Once completed and signed, send the application with all supporting documentation to:

Minister for the Environment  
c/- the Chief Executive, Office of Environment and Heritage  
PO Box A290  
SYDNEY SOUTH NSW 1232.

Published by:  
Office of Environment and Heritage  
Department of Premier and Cabinet  
59-61 Goulburn Street, Sydney  
PO Box A290, Sydney South 1232  
Phone: (02) 9995 5000 (switchboard)  
Phone: 131 555 (environment information and publications requests)  
TTY: (02) 9211 4723  
Fax: (02) 9995 5999  
Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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January 2012