Biodiversity DCP development

Current status of our Biodiversity

- Australia ranked **2nd in the world** for **Biodiversity loss.**
- NSW *2019/2020 fire season* = **3 million hectares** of National Parks, Reserves and State forests **destroyed**, and koala populations reduced by 70% - **koalas are now an 'endangered species'.**
- 7.7 million hectares of **threatened species habitat has been demolished across Australia** in <20years.
- ***EPBC Act* 1999 has failed** and is currently under review with 3000 detailed submissions received and a further 26,000 submissions of a similar nature.

Why develop a Biodiversity DCP?

- Resolution 14-315 **deferred Chapter B1** where it has remained since 2014.
- **Significant changes** in NSW legislation including *Biodiversity Conservation Act* 2016 & the new Koala Habitat Protection SEPP 2019.
- On-going Ezone review has left **Deferred Matter areas of HEV unprotected,** while clearing under the *LLS Act* 2013 and Private Native Forestry in Byron Shire has occurred.
- To **provide clarity** to developers and planners through specific control measures that protect our Biodiversity.
- To **protect Koala habitat** outside of CKPoM identified areas quickly and efficiently.

Impacts

- Entry into the Biodiversity Offset Scheme (BOS) means that biodiversity values can be 'offset' outside of the Shire resulting in **'net biodiversity loss'** within the Shire.
- **Clearing under Schedule 5A of the *LLS Act*** has occurred in HEV and Koala Habitat where a threatened koala population exists.
- **Uncertainty for developers and planners** within the development application process.

Byron Shire Biodiversity DCP

Considers

- DCP chapters across similar LGA's
- Ecological Buffers
- Definitions of 'avoid and minimise'
- Tweed DCP A19 template
- Climate change impacts & adaptation actions to increase resilience
- State ratified documents
- Lack of strong legislative controls at State and federal level

Avoid, minimise and offset

- Terms appear in the *Biodiversity Conservation Act* 2016 and the Koala Habitat Protection SEPP but are **not defined.**
- Within the Koala SEPP guidelines, Council planning controls are **required to manage koala habitat.**
- Definitions are left to individual Council's.
- Development applications generally attempt to **'offset' before they avoid or minimise impacts.**
- All development footprints **should avoid first,** then demonstrate minimisation **before offsets** are considered.

Definitions

Avoid

- **Define areas of where development and impacts from development must be avoided** e.g. HEV, koala habitat, riparian zones, wildlife corridors etc
- Use of buffers to ensure cumulative or indirect impacts are controlled.

Minimise

- **Define measures that minimise risk to biodiversity values** e.g. development footprint placement, tree protection, erosion controls, vehicle and construction controls
- Where impacts are known, minimisation must be demonstrated and only be offset onsite.

Offsets

Biobanking

BOS - Biodiversity Offset Scheme

- Undermine environmental protection by **legitimising the destruction** of biodiversity values on the basis that biodiversity loss can be 'offset' when it cannot.
- While the offset process may provide funds and a means of delivering restoration, they are first and foremost **a tool of regulatory negotiation** that facilitates development.

Ecological Buffers (m)

Red flag	Tweed	Clarence	Sutherland	Rural handbook
Listed EEC's	30	20	50	100
Old growth	30	20		50
Important wetlands	50	100	50	100
Other wetlands	20	50	40	50-100
Bushland >18°	20 or as above	20		50
Wildlife corridor	20	20		50
Threatened fauna record	20	20		
Threatened flora record	10	10		
Koala habitat	20			

Ecological Buffers (m)

Red flag	Tweed	Clarence	Sutherland	Rural handbook
1st order stream	10	20	10	50-100
2nd order stream	20	30	20	50-100
3rd order stream	30	40	30	50-100
4th order stream	40	50-100	40	50-100
Estuarine area	50	50		100
Flying fox camp	20	300		50
Very large trees	10			
Stags & hollow-bearing trees	10			50
Raptor nests	50			50

Reasons for Buffers

- Clearly **illustrates avoidance** of development impacts
- **Protects ecological integrity** of HEV, wetlands, estuaries, streams, rivers, threatened species and habitat, wildlife corridors and refugia.
- Protecting biodiversity values **increases resilience** to climate change impacts.
- **Ecosystem functions are maintained** and possibly improved.
- **Carbon sequestration is assured** particularly in areas of 'blue carbon'.
- **Restoration opportunities** can be identified.

Next Steps

Agreement

- **Buffers** are agreed upon.
- Definitions of **'avoid and minimise'** are acceptable and have had legal considerations clarified.

Draft DCP

- Draft table of contents
- Use Tweed DCP as a template and inclusions from similar LGA DCP's.
- Include worked examples of development footprints to illustrate 'avoid and minimise'.
- Collaboration with Tweed and Byron Council planners on 'acceptable outcomes'.
- Draft DCP presented to Council.