

<b>Policy title</b>	Conservation of the Yellow-bellied Glider in the Broulee Area
<b>Responsible manager(s)</b>	Divisional Manager, Strategic Services
<b>Contact officer(s)</b>	Strategic Planning Officer, Environment
<b>Directorate</b>	Planning and Sustainability Services
<b>Approval date</b>	28 June 2022
<b>Outcome area</b>	3. Protected and valued natural environment
<b>Strategy</b>	3.2 Value, protect and enhance our natural environment and assets
<b>Delivery Program</b>	3.2.2 Work in partnership to provide natural resource management
<b>Operational Plan</b>	3.2.2.2 Plan and implement environmental protection and restoration program

### Purpose

This policy recognises the need to balance sustainable development with the protection of the threatened Yellow-bellied Glider and its habitat.

### Policy aims

This policy, developed in conjunction with the NSW Department of Planning and Environment, aims to:

- a) ensure the long-term presence of Yellow-bellied Gliders within the Broulee area, through retention of suitable habitat and other development controls as appropriate
- b) provide clarity and certainty to developers applying to undertake development or activities in the Broulee area about how development proposals within the Broulee area may avoid significant impact on the Yellow-bellied glider population
- c) allow consent and concurrence authorities to make a more informed decision about developments and activities that may impact upon the habitat of the Yellow-bellied Glider
- d) reduce cost to the landholder and the development industry, by reducing the frequency that Species Impact Statements are required
- e) facilitate sensitive development without significant impact on the Yellow-bellied Glider or its habitat.

### Policy details

<b>1</b>	<b>Application</b> <p>This Policy applies to all land within the Broulee area, comprising land bordered by the Pacific Ocean to the east, the Tomaga River to the north, the Moruya River to the south and a line 1km parallel to the west of the Princes Highway. This area is outlined in Map 1 of this policy. In the absence of a Shire-wide policy for the conservation of the Yellow-bellied Glider on the coastal plains of the Eurobodalla, this policy will be used by Council officers to assist in assessing development applications and proposed activities for land on the coastal plains of Eurobodalla Shire containing suitable Yellow-bellied Glider habitat.</p>
<b>2</b>	<b>Legislation</b> <p>This policy supports sections 1.7 and 4.15 of the <a href="#">Environmental Planning and Assessment Act 1979</a> and Part 7 of the <a href="#">Biodiversity Conservation Act 2016</a>.</p>
<b>3</b>	<p>Council will grant consent or approval for development or activity on land to which this policy applies that is not in accordance with this policy, where it can be demonstrated that</p>

	the development or activity will not significantly impact upon Yellow-bellied Gliders or their habitat.
<b>4</b>	<p>This policy does not:</p> <ul style="list-style-type: none"> <li>- alter the requirement for carrying out threatened species assessment; or</li> <li>- substitute the need for a threatened species test of significance to determine whether a proposed development or activity is likely to significantly affect threatened species or ecological communities or their habitats, in accordance with s1.7 of the EP&amp;A Act and s 7.3 of the BC Act , or</li> <li>- Alter the Biodiversity Offset Scheme (BOS) entry requirements triggered by development, projects and activities that meet the thresholds in accordance with s7.4 of the BC Act.</li> </ul> <p>However, a Species Impact Statement will not be required for development or activities performed in accordance with this policy.</p> <p><b>Explanatory Note:</b> Application of the threatened species test of significance for the Yellow-bellied Glider to development or activities that take place in accordance with this policy and that do not exceed thresholds for entry into the Biodiversity Offsets Scheme, will conclude that a significant impact will be unlikely and therefore a Species Impact Statement will not be required.</p>
<b>5</b>	This policy does not consider the impact of development or activities on other listed Threatened Species that may or may not occur in the area.

## Implementation

Requirements	Responsibility
<p><b>1 Code of Practice</b></p> <p>This policy will be implemented by following Council's Conservation of the Yellow-bellied Glider in the Broulee Area Code of Practice, which specifies in detail the procedures and matters to be considered.</p>	Divisional Manager, Strategic and Sustainable Growth
<p><b>2 Staff</b></p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Environmental Planner and Environmental Engineer Support Officer
<p><b>3 Concerns</b></p> <p>Concerns received regarding this Policy will be recorded on Council's Customer Service or records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of complaints and to help determine follow up actions.</p>	Environmental Planner

<b>4</b>	<p><b>Consultation</b></p> <p>This policy may only be modified by agreement between Eurobodalla Shire Council and the NSW Department of Planning and Environment. Consultation regarding this policy will occur as relevant with key stakeholders and public submissions regarding this policy will be considered during the policy exhibition period.</p>	<p>Coordinator Strategy and Place NSW Department of Planning and Environment</p>
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### Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages development in the area to which this policy applies.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner. **Note:** *The next general local government election is expected to be held in September 2024.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer concerns and complaints, Feedback Survey Responses	Council records
Internal or external audit	Audit

### Governance

This policy should be read in conjunction with any related legislation, plans, codes of practice, relevant internal policies, and guidelines.

#### Related legislation and policies

Name	Link
Conservation of the Yellow-bellied Glider in the Broulee Area – Code of Practice	<a href="https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/138732/Conservation-of-the-Yellow-Bellied-Glider-in-the-Broulee-area.pdf">https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/138732/Conservation-of-the-Yellow-Bellied-Glider-in-the-Broulee-area.pdf</a>
<i>Biodiversity Conservation Act 2016</i>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063">https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203">https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203</a>
Recovery Plan for the Yellow-bellied Glider ( <i>Petaurus Australis</i> )	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis">https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis</a>

#### Related external references

Name	Link
NSW Department of Planning and Environment Saving our Species Program	<a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/saving-our-species-program">https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/saving-our-species-program</a>

Office of Environment and Heritage (2018) Threatened Species Test of Significance Guidelines	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis">https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis</a>
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### *Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	26 Mar 2002	Council		E06.0381	Policy commenced
2	22 Sept 2009	Council	09/291	E09.3418 E06.0381	Policy retained (report G09/99)
3	10 Sep 2013	Council	13/277	E13.7095 E06.0381	Reviewed and updated.
4	27 Jun 2017	Council	17/214	E16.0297 E06.0381	Reviewed and updated. Report GMR 17/021
5	28 Jun 2022	Council	22/155	S004- T00060	Reviewed and updated

### *Internal use*

Responsible officer		Director Planning & Sustainability Services		Approved by	Council
Minute	22/155	Report	PSR22/017	Effective date	28 June 2022
File no	S004-T00060	Review date	June 2026	Pages	5

MAP 1

