



Planning circular

PLANNING SYSTEM

Biodiversity and conservation; Planning certificates

Circular	PS 21-030
Issued	2 December 2021 ¹
Related	Replaces PS 06-002 and PS 10-010

Planning certificates: biodiversity and native vegetation

This circular provides guidance on information required to be included in planning certificates issued under section 10.7 of the EP&A Act in relation to biodiversity and native vegetation.

Overview

Planning certificates are a means of disclosing information about a parcel of land, including any relevant information, policies and land use controls that apply to the land at the time of issue.

In NSW it is a mandatory part of the property conveyancing process to include a planning certificate issued under section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Planning certificates may be purchased through the NSW Planning Portal or from a council by anyone, and for any purpose.

Schedule 2 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) specifies the information to be included in planning certificates issued under section 10.7(2) of the EP&A Act.

This planning circular clarifies the information required to be included in planning certificates in relation to biodiversity and native vegetation.

Biodiversity and native vegetation

The commencement of the *Biodiversity Conservation Act 2016* (BC Act) and related legislative changes resulted in amendments to the regulatory framework for the protection of native vegetation in New South Wales.

Schedule 2 of the EP&A Regulation specifies that certain matters of biodiversity and native vegetation protection affecting land are to be identified on planning certificates. These include:

- **Biodiversity certified land** under Part 8 of the BC Act. This also includes land certified under Part 7AA of the former *Threatened Species Conservation Act 1995*.
- **Biodiversity stewardship sites** subject to a biodiversity stewardship agreement under Part 5 of the BC Act. This also includes land subject to a biobanking agreement under Part 7A of the former *Threatened Species Conservation Act 1995*. A council is only required to include reference to these agreements if it has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.
- **Property vegetation plans** approved under Part 4 of the former *Native Vegetation Act 2003*. A council is only required to include reference to a property vegetation plan if it has been notified of the existence of the plan.

Further information

Department of Planning and Environment circulars are available at: <https://www.planning.nsw.gov.au/policy-and-legislation/planning-system-circulars/>

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant

¹ Revised 10 August 2023 to include updated reference to the *Environmental Planning and Assessment Regulation 2021*

legislation, as necessary, before taking action in relation to any matters covered by this circular.

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