



# Council Operations Environment Policy



*We're with you*

Wingecarribee Community Strategic Plan 2041 -  
4.1.2 Work collaboratively to reduce pollution, manage biodiversity risks, and the impact on our environment

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## 1 Objectives

The objectives of this policy are to outline Council's commitment to:

- minimising potential and actual environmental impacts of its activities and operations
- protecting the environment, preventing pollution and continually improving the sustainability of Council operations
- working cooperatively with all stakeholders to protect and enhance the environment

## 2 Policy Statement

Council is committed to protecting the environment, preventing pollution and continually improving the sustainability of Council operations. This policy supports the Community Strategic Plan, Environment and Climate Change Strategy, Council's Delivery Program and Operational Plan, and environmental management procedures. Together these provide the framework for developing, implementing, monitoring and refining our environmental objectives and targets. Council also has responsibilities to manage the potential and actual impacts of its activities under a range of Commonwealth and State legislation and policies.

Council activities that interact with the environment include:

- land-use planning, development and building controls
- management of land owned or under the care, control and management of Council, including open space.
- conservation and management of biodiversity, including threatened species and endangered ecological communities
- weed control
- construction and maintenance of infrastructure such as roads, footpaths, drainage, and recreation facilities
- flood mitigation and management
- bushfire prevention and mitigation work
- pollution and waste management
- water supply and wastewater management
- resource use in the provision and maintenance of Council and community facilities.

Council will demonstrate its commitment to protecting the environment during Council operations and activities by:

- operating within relevant environmental legislation, licences and local government policies
- avoiding and minimising the adverse environmental effects of development through integrating the principles of Ecologically Sustainable Development within our planning instruments
- implementing effective environmental management practices and programs for our sites and natural assets
- undertaking actions to protect, maintain and enhance biodiversity and the environment, minimise adverse environmental impacts and prevent pollution
- assessing environmental impacts of Council works by conducting Council environmental assessments during planning stages, minimising impacts through the effective implementation of the specified mitigation measures
- following the positions outlined below for Part 5 activities that are assessed as likely to have a significant impact on threatened species, threatened ecological communities or their habitat.
- incorporating environmental risks and sustainability criteria into procurement processes

- practising resource efficiency for our waste, water, and energy
- facilitating the reduction in use of single use bottled beverages through the provision of drinking water fountains at key locations (Pools and parks) to enable our community to make sustainable choices.
- using fauna friendly (eg. No barbed wire) in high and medium conservation value lands
- using integrated management approaches as alternatives to pesticides application where suitable, and using lower toxicity pesticides (including rodenticides) where appropriate
- adapting and building resilience to climate change
- building environmental awareness amongst our employees through education and training, and by encouraging staff to participate in sustainability initiatives
- building partnerships with government, organisations and the community to improve and maintain the local environment
- monitoring and reporting our environmental performance on a regular basis
- providing this policy to the community, contractors, customers and staff.

## **2.1 Position on Part 5 activities that are assessed as likely to have a significant impact on threatened species, threatened ecological communities and their habitat**

This section describes Council's position for Part 5 activities that are assessed through Council's environmental assessment process as likely to have a significant impact on threatened species, threatened ecological communities or their habitat. The preferred approach is always to avoid a significant impact through re-design of the works. However, where this is not possible the process outlined below must be followed.

A 'Part 5 activity' is an activity carried out by, or on behalf of, a determining authority (such as Council) that is not subject to development assessment and that is not exempt development. These Part 5 activities are subject to environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979.

The Environmental Assessment should identify actions to avoid and minimise impact on biodiversity. In addition, the environmental assessment determines whether the Part 5 activity is 'likely to have a significant impact on threatened species, threatened ecological communities and their habitat' (see Biodiversity Conservation Act 2016 section 7.2).

If the Environmental Assessment identifies a Part 5 activity as likely to have a significant impact on threatened species, ecological communities or their habitat (Biodiversity Conservation Act 2016 section 7.2), then there is a legal obligation to undertake either a Species Impact Statement or to enter the Biodiversity Offsets Scheme.

Council's position is that the Biodiversity Offsets Scheme is the preferred pathway. This is because the process is streamlined and likely to have less delays combined with a more certain outcome.

The 'avoid, minimise, offset' hierarchy is a framework embedded into a range of legislation and policy. The primary focus is on avoiding impact on biodiversity or minimising impacts when unavoidable. Offsets are only used after all efforts have been investigated to avoid and minimise. Offsets are an important part of the framework to ensure no net loss to biodiversity across the state.

### Varying biodiversity credit obligations under the Biodiversity Offset Scheme

In the Biodiversity Offsets Scheme a Biodiversity Development Assessment Report is undertaken. A determining authority can vary credit obligations identified in the Biodiversity Development Assessment Report (see Biodiversity Conservation Act 2016 section 7.15 (4)).

Council is often, but not always, the determining authority for Council's Part 5 projects. Even though credit obligations can be varied, it is not recommended that credits are varied for an activity with a significant impact. This is because a reduced credit obligation equates to a permanent loss of biodiversity. Where a reduced credit obligation is undertaken, the community loses part of the biodiversity asset.

If varying credits is being considered, the General Manager (via delegations) provides a report to Council recommending that the credit obligation be varied. The level of variation recommended is left up to the General Manager. However, the General Manager and Council will need to be convinced that the gains to the community are long term, provide benefit at a regional or state wide scale and significantly outweigh the net loss of biodiversity.

Where credits are varied, the project name, original credit amount, varied credit amount and reasons for the decision to vary the credits is documented in the Environmental Assessment process (a requirement of the Biodiversity Conservation Act 2016) and included in the report to Council. This is to assist with transparency and consistency of decisions.

### 3 Scope

This policy applies to:

- Councillors, Council employees, community volunteers participating in Council programs, and Council contractors
- Council operations and activities including infrastructure projects.

### 4 Responsibilities

Responsibilities for implementing this policy are shared between Councillors, Executive and staff as follows:

#### 4.1 Councillors

Councillors shall:

- Provide leadership in complying with legislative obligations and consider principles of ecologically sustainable development
- Integrate environmental considerations into decision making.

#### 4.2 Executive

The Executive shall:

- Provide leadership in complying with legislative requirements
- Integrate environmental management across organisational structures
- Encourage staff environmental awareness and improvements in resource efficiency.

#### 4.3 Manager Environment and Sustainability

The Manager Environment and Sustainability shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- conduct investigations into alleged non-compliance with this Policy.

#### 4.4 Managers

Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required

#### 4.5 Council staff

Council staff shall:

- Comply with legislation requirements
- Comply with Council's environmental assessment procedures in planning and implementing Council projects and activities
- Develop, review and maintain effective environmental management systems, procedures and programs
- Implement continuous improvement practices
- Monitor and report Council's environmental performance.

### 5 Performance Measures

The success of this Policy will be measured by:

- compliance with state or federal environmental legislation and licences
- management of Council natural areas through efficient and effective programs that achieve biodiversity outcomes
- the creation of an organisational culture that is focused on reducing total energy consumption and reliance on fossil fuels
- a robust environmental review system that is used by all staff involved in project planning, design, management and delivery
- development assessment processes that have suitable safeguards in place to protect the environment through all stages of the development assessment and implementation.

### 6 Related Material

#### 6.1 Related Legislation

The following legislation is related to this Policy:-

- *Local Government Act 1993* and Regulation
- *Environmental Planning and Assessment Act 1979* and Regulation
- *Protection of the Environment Operations Act 1997* and Regulation
- *Biodiversity Conservation Act 2016*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Biosecurity Act 2015* and Regulation
- *National Parks and Wildlife Act*
- *Local Land Services Act*
- *State Environmental Planning Policies (various)*

#### 6.2 Related Policies and Procedures

The following policies and Procedures are related to this Policy:

- Virgin Extracted Natural Material Identification Procedure
- Re-use of Clean Fill Within Public Roads Procedure v.2
- Environmental Assessment Procedure for exempt development and environmental assessment under Part 5 of the EP&A Act
- Roadside Management Plan

## 7 Non-compliance with this Policy

Any breach of this Policy that is considered an environmental incident under the Incident Notification and Reporting Procedure is reported in line with that procedure. A breach of this policy may also result in a breach of the Code of Conduct.

## 8 Document Control

### 8.1 Version Control

Version	Adoption Date	Notes
1.0	13 December 2017	Initial adoption of document
2.0	7 August 2024	Updated policy to include amended names of Strategy documents, addition to activities and operations list, addition of information regarding <i>Part 5 Environmental Planning and Assessment Act 1979</i> , and Biodiversity offset scheme, update to related legislation & documents.

## 9 Attachments

There are no attachments to this Policy.

**Approved by:**

**WINGECARRIBEE SHIRE COUNCIL**  
**7 August 2024**