

Central Coast Council

Conservation Fund Policy



Date Adopted: 31/10/2023

Revision: 1

Policy No: CCC124

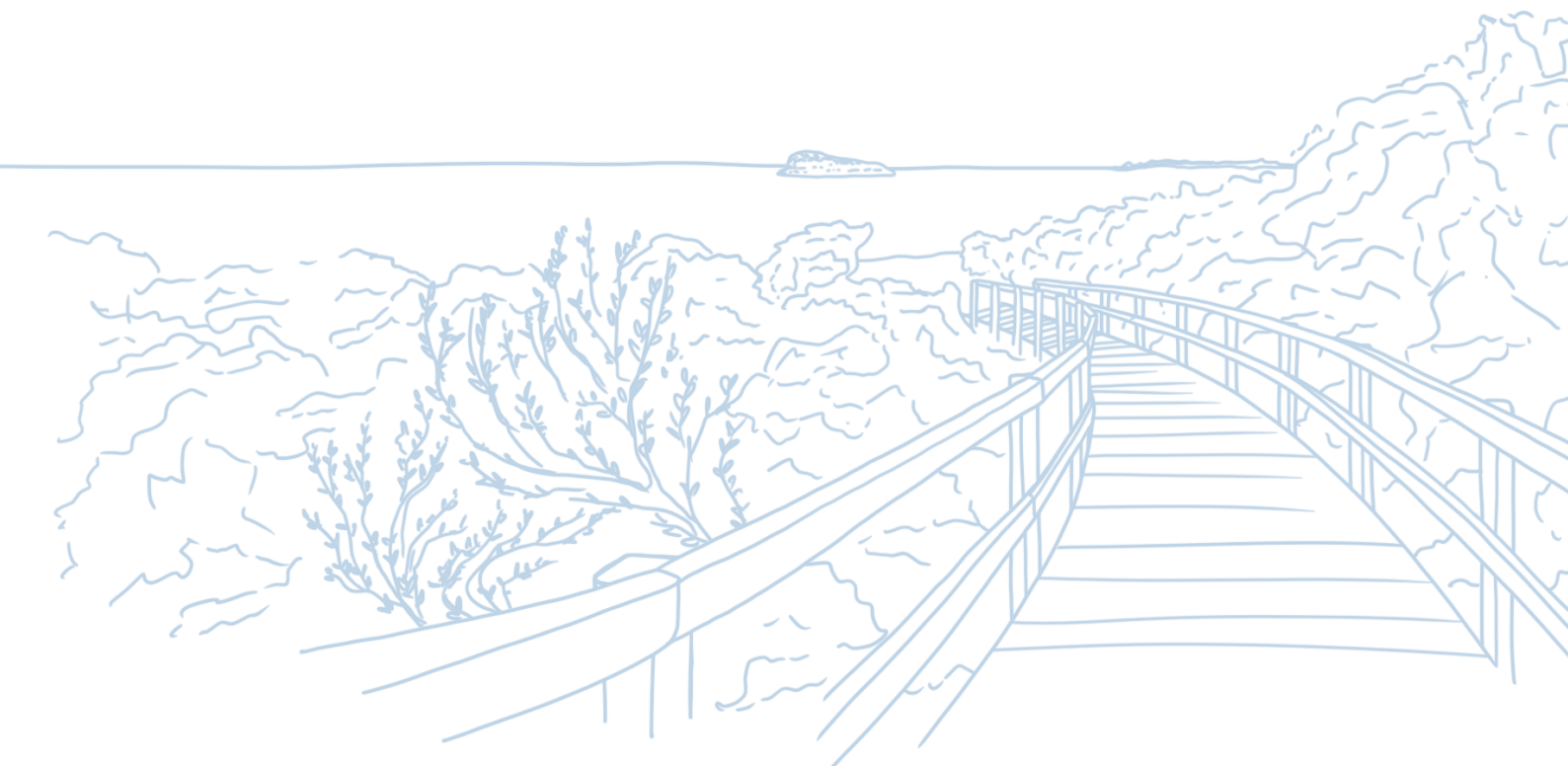


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1. Policy Objectives

- 1.1.** To outline the principles for a Central Coast Council conservation fund.
 - 1.2.** To set guidelines for the operation of a conservation fund that provides for the identification, acquisition, protection and management of environmental land across the Central Coast Local Government Area. The fund is to be administered in a way that minimises cost impacts on the organisation and aspires to delivering these outcomes in a cost neutral manner.
 - 1.3.** To facilitate sustainable development through adequate resourcing for legal protection and on-going management of environmental land owned or acquired by Council.
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2. Policy Scope

- 2.1.** This policy applies to all current sources of income to a conservation fund, such as:
 - 2.1.1. Environmental offset payments from development approvals or vegetation permit approvals to clear vegetation and/or trees (including negotiated offset contributions in lieu of Biodiversity Offset Scheme contributions to the Biodiversity Conservation Trust);
 - 2.1.2. Biodiversity offset contributions arising from biocertification of planning instruments or planning agreements;
 - 2.1.3. Developer contributions (s7.11 or special infrastructure contributions);
 - 2.1.4. Bonus lot subdivision provisions under an environmental planning instrument (e.g. Local Environmental Plan) or deemed environmental planning instrument;
 - 2.1.5. General funds, including fees and charges;
 - 2.1.6. Special rates;
 - 2.1.7. Philanthropic donations;
 - 2.1.8. Grants;
 - 2.1.9. Sale of biodiversity credits, where Council has established or purchased a biodiversity stewardship site; and
 - 2.1.10. Transfer from other funds, internally restricted funds, trusts or the like where there is a supporting Council resolution, or it is considered by the fund manager or trustee legal and appropriate to do so.
 - 2.2.** This policy applies to all types of expenditure payments from a conservation fund for the purposes of protection and expansion of the Council-owned conservation reserve system and biodiversity management within or adjacent to the Central Coast Local Government Area.
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3. Policy Statement

- 3.1. This policy provides guidelines for the establishment and operation of a conservation fund, a commitment under the adopted Central Coast Council Biodiversity Strategy (2020).
 - 3.2. Council's responsibilities under Chapters 3 and 6 of the *Local Government Act 1993* are taken as guiding principles. Establishment of the conservation fund doesn't replace Council's responsibilities to fund the management of natural areas for their core objectives under the Act. This policy relates to activities that result in biodiversity conservation that complement or are additional to those core objectives.
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4. Background

- 4.1. The Central Coast Council Biodiversity Strategy, adopted by Council in 2020, includes an action (Action 2.2.1) to establish funding for the management and acquisition of land identified by the Conservation Management Program and Environmental Lands Acquisition Program.
- 4.2. The intention of the Central Coast Council Biodiversity Strategy action was to create the Central Coast Conservation Fund which would be held as restricted revenue, having procedures for its management, auditing and expenditure, and only to be used in accordance with the Biodiversity Strategy objectives. The objectives of the Strategy are to:
 - 4.2.1. Define Council's role in biodiversity conservation in the context of other government strategic conservation planning and private land conservation;
 - 4.2.2. Identify specific actions to allow Council to meet the relevant objectives of the 2018-2028 Community Strategic Plan and associated delivery programs;
 - 4.2.3. Summarise conservation priorities for the Central Coast in a way that provides a context for decision-making and strategic planning; and
 - 4.2.4. Identify measurable targets and specific actions for Council.
- 4.3. Former Gosford City Council and former Wyong Shire Council established the following: Coastal Open Space System Fund and Wyong Conservation Fund. The residue value of the money available from each of the former local government area funds will continue to be apportioned and spent within that geographical area. The expenditure of those funds shall be for the purpose for which they were received and will have regard to the bonus lot provision requirements of the relevant environmental planning instruments at the time at which it was provided.
- 4.4. The former Gosford City Council established the Gosford City Council Protection of the Environment Trust and operates as per the Deed of Settlement of 2006, and not this policy.

5. Contributions to Conservation Fund

- 5.1. Council will not accept funds from land developers except under the terms of a planning agreement, deemed environmental planning instrument, vegetation permit, or a biodiversity offset agreement of any type that is publicly available.
 - 5.2. Funding sources may be conditional upon those funds being spent for particular purposes or on particular properties with consideration given to the source of the funds. Where this is the case, this is to be recorded in a register.
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6. Appropriate Use of Conservation Fund

- 6.1. Expenditure payments may be made for any one or more of the following purposes:
 - 6.1.1. Purchase, acquisition or transfer of land for the purpose of biodiversity conservation, the protection of wildlife corridors and landscape connectivity;
 - 6.1.2. Reasonable ancillary costs associated with the above purposes;
 - 6.1.3. Improvement, embellishment, rehabilitation and management of environmental lands for the purpose of biodiversity conservation;
 - 6.1.4. Costs associated with legal protection of environmental lands; and
 - 6.1.5. Administration of the conservation fund.
 - 6.2. An appropriate use of a conservation fund is to arrange long-term protection of environmental land within available legal mechanisms, with stronger mechanisms favoured (such as a conservation agreement or biodiversity stewardship agreement) over weaker mechanisms (such as Section 88B Instruments). Protecting land and its biodiversity values represents an important component of Council's climate change response.
 - 6.3. Expenditure of funds will align with a strategic program of environmental lands acquisition and biodiversity conservation management across the Central Coast Local Government Area and may also consider other Council and external projects and programs.
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7. Financial Management Procedures

- 7.1. The Conservation Fund will be managed as an internally restricted fund as per the following procedures:
 - 7.1.1. The Central Coast Restricted Funds Policy will be updated to include an additional internally restricted fund known as the Conservation Fund; and
 - 7.1.2. Interest earnings are to be added to the balance of the restriction.

8. Responsibilities

8.1. Compliance, monitoring and review

- 8.1.1. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined in the [Code of Conduct](#) and [Procedures for the Administration of the Code of Conduct](#).

8.2. Reporting

- 8.2.1. No additional reporting is required.

8.3. Records management

- 8.3.1. Staff must maintain all records relevant to administering this policy in accordance with Council's Information and Records Management Policy.

9. Policy Definitions

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| Biodiversity | means the variety of living animal and plant life from all sources and includes diversity within and between species and diversity of ecosystems (From <i>Biodiversity Conservation Act 2016</i>). |
| Biodiversity offset | means actions taken outside a development or activity site to compensate for the direct, indirect and/or consequential effects of that development on native vegetation and biodiversity. |
| Council | means Central Coast Council. |
| Environmental land | means land with identified strategically important biodiversity values that is desirable to protect in the long term within a publicly owned conservation reserve system. |
| Natural area | means public land owned by Council that is categorised as per Section 36 of <i>Local Government Act 1993</i> . |

10. Policy Administration

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| Business Group | Environment and Planning |
| Responsible Officer | Unit Manager Environmental Management |
| Associated Procedure (if any, reference document(s) number(s)) | |
| Policy Review Date | Four years from date of adoption unless legislated otherwise |
| File Number / Document Number | D15753592 |
| Relevant Legislation (reference specific sections) | <ul style="list-style-type: none"> – Part 6, <i>Biodiversity Conservation Act 2016</i> (NSW) – Chapters 3 and 6, <i>Local Government Act 1993</i> (NSW) |
| Relevant desired outcome or objectives as per Council's Delivery Program | <p>Theme 3: Green</p> <p>Goal F: Cherished and protected natural beauty</p> <p>G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.</p> |
| Related Policies / Protocols / Procedures / Documents (reference document numbers) | <ul style="list-style-type: none"> – Code of Conduct (D15487987) – Delegations Register – Information and Records Management Policy (D14025241) – Restricted Funds Policy (D15395566) |

11. Policy Authorisations

| No. | Authorised Function | Authorised Business Unit / Role(s) |
|-------|---|------------------------------------|
| EX023 | Authorise the expenditure of the Conservation Fund in accordance with the Central Coast Council Biodiversity Strategy objectives. | Chief Executive Officer |

12. Policy History

| Revision | Date Approved / Authority | Description Of Changes |
|----------|--|------------------------|
| 1 | 23 May 2023 Minute Number 87/23 (public exhibition) 31 October 2023 Minute Number 177/23 (adoption) | New policy adopted |