**When does the Biodiversity Offsets Scheme apply?**

Entry to the Biodiversity Offsets Scheme (BOS) is triggered by developments, projects and activities that meet certain thresholds for significant impacts on biodiversity. The BOS applies under the following scenarios:

- Developments that are carried out on an Area of Outstanding Biodiversity Value (AOBV).
- Developments that are likely to significantly affect threatened species, ecological communities and their habitats according to the test of significance (as per Section 7.3 of *the Biodiversity Conservation (BC) Act 2016*).
- Exceedance of the BOS clearing threshold; the threshold includes clearing on land within the Biodiversity Values Map or clearing of an area that exceeds the threshold. Clearing thresholds are set out in clause 7.2(1) of the BC Regulation and provided in **Figure 1** below:

The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan [LEP]) or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

| Minimum lot size associated with the property | Threshold for clearing, above which the Biodiversity Assessment Method (BAM) and offsets scheme apply |
|---|---|
| Less than 1 ha | 0.25 ha or more |
| 1 ha to less than 40 ha | 0.5 ha or more |
| 40 ha to less than 1000 ha | 1 ha or more |
| 1,000 ha or more | 2 ha or more |

**Figure 1** BOS area clearing thresholds.

*Note:* where there are two or more minimum lot sizes (MLS) in the proposal footprint, the smallest MLS must be applied.

Proponents will need to supply evidence relating to the triggers for the BOS threshold and the test of significance (where relevant) when submitting their application to the decision maker (Council). If the BOS is not triggered this will need to be documented in a **Biodiversity Assessment Report (BAR).** If the BOS **is** triggered a **Biodiversity Development Assessment Report (BDAR)** is required and will need to be prepared by an Ecologist who is also Accredited Assessor.

A biodiversity assessment and approvals decision support tool is available from the Office of Local Government to help identify biodiversity assessment requirements for proposed developments and activities. A flow chart for Part 4 local development is provided below.

For more information see NSW Department of Planning and Environment website.

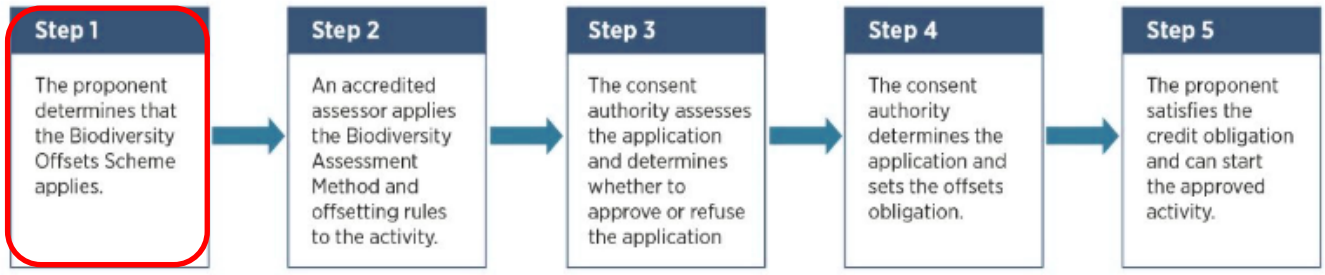
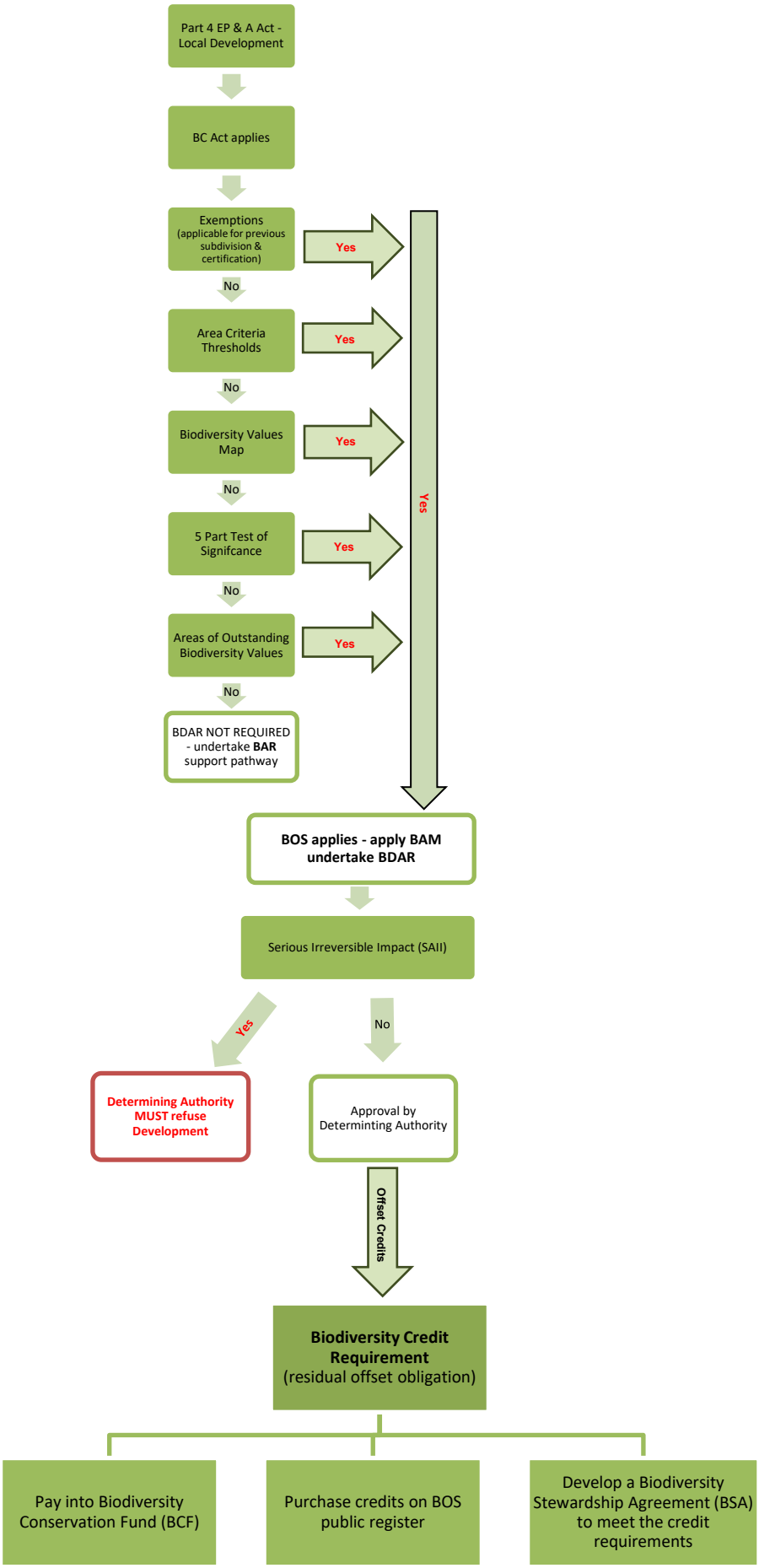



**Figure 2** Flow path for Part 4 local development


Part 4 EP & A Act - Local Development
BC Act applies
Exemptions (applicable for previous subdivision & certification)
Yes
No
Area Criteria Thresholds
Yes
No
Biodiversity Values Map
Yes
No
5 Part Test of Signifcance
Yes
No
Areas of Outstanding Biodiversity Values
Yes
No
BDAR NOT REQUIRED - undertake BAR support pathway
Yes
BOS applies - apply BAM undertake BDAR
Serious Irreversible Impact (SAII)
Yes
No
Determining Authority MUST refuse Development
Approval by Determinting Authority
Offset Credits
Biodiversity Credit Requirement (residual offset obligation)
Pay into Biodiversity Conservation Fund (BCF)
Purchase credits on BOS public register
Develop a Biodiversity Stewardship Agreement (BSA) to meet the credit requirements

**You've triggered the BOS, what you need to do:**

When the BOS applies to your proposal you must engage an Accredited Assessor to apply the Biodiversity Assessment Method (BAM) to assess the impacts of your proposal on biodiversity. The assessor documents the results of the biodiversity assessment into either of the following biodiversity reports:

- **Biodiversity Development Assessment Report (BDAR)** – the BDAR will outline how a proposed development will avoid or minimise potential biodiversity impacts. It will also identify the number and type ('class') of biodiversity credits that are required to be offset to achieve a 'no net loss' standard of biodiversity. A BDAR is submitted as a supporting document in a Development Application (DA) (e.g. dwelling, subdivision, shed, driveway, granny flat) or State Significant Development (SSD).
- **Biodiversity Certification Assessment Report (BCAR)** – is similar to a BDAR but is for large-scale, staged or strategic development proposals (e.g. subdivisions, strategic land rezoning). A BCAR documents the biodiversity values of the land being certified for development and assesses the impacts of developing that land (including offset credits and other conservation measures). For more information on BCAR process see the following government website.

**What you need to provide to an Accredited Assessor:**

For an Accredited Assessor to assess the biodiversity impacts of your proposal, you must consider all proposed native vegetation clearing associated with a proposal (regardless of whether this clearing is across multiple lots). In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.

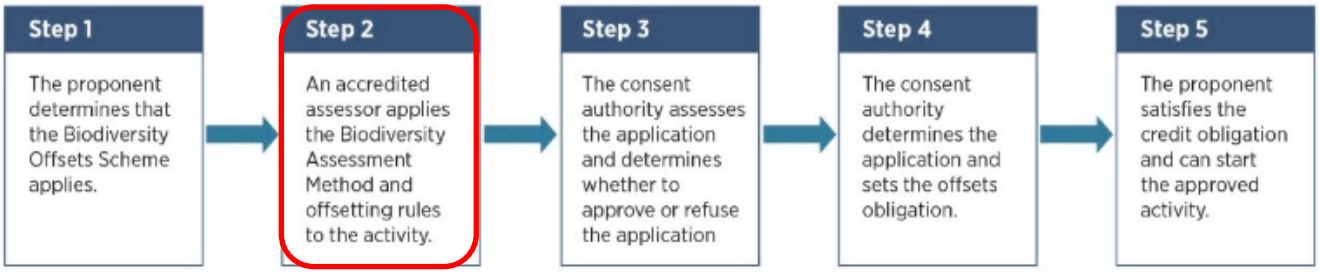
The following designs need to be considered (and provided as georeferenced digital file to the Assessor):

- Development design footprint and maximum disturbance area.
- Utilities, including:
  - water mains;
  - sewer lines;
  - wastewater systems; and
  - power supply/ easements.
- Ancillary sites.
- Sediment basins.
- Access roads/ bridges/ culverts.
- Asset Protection Zones (APZ).
- Boundary fencing associated with Rural Boundary Code (rural zones only) – see more information here.
- Any earthworks for construction of the proposal.

**Important note:** It is important that you design your proposal to avoid and minimise impacts to native vegetation (including native trees, shrubs, grasses or groundcovers) and other biodiversity values as far as practicable. Important biodiversity values should be prioritised for avoidance, these include:

- Large areas of intact native vegetation.
- Vegetation in the high condition.
- Threatened ecological communities (TECs).
- Threatened flora species.
- Koala habitat.
- Habitat for species (i.e. hollow-bearing trees, raptor nests).
- Riparian areas.
- Waterbodies.
- Biodiversity Valued (BV) mapped areas.

If you are unsure whether your site has any of the above biodiversity values, GeoLINK can undertake a preliminary biodiversity assessment to identify any important biodiversity values associated with your site and how best to avoid and minimise impacts to these values. This is best undertaken at the early stages of the proposal to help inform the design process.




**Biodiversity Development Assessment Report (BDAR) process:**

At GeoLINK the BDAR assessment process is broken into two stages:

- Stage 1:
  - Site assessment undertaken and following information gathered:
    - Identify and map all vegetation communities and condition states.
    - Collect a subset of BAM Vegetation Integrity plots.
    - Identification of important fauna habitat (e.g. hollow-bearing trees, waterbodies, rock outcrops etc.).
    - Site data entered into BAM – Calculator (BAM-C). The BAM-C is required to establish the scope of works for the Stage 2 assessment.

At this point a brief report is provided to outline the findings of the site assessment and biodiversity values identified on site. The report will outline the results from BAM-C in regard to targeted species survey requirements and potential credit obligations that may be required. A separate service proposal/ quote will be provided to undertake Stage 2 of the BDAR. At this point the client can make a more informed decision as to whether to proceed further with the assessment and proposal.

Stage 1: Ballpark estimate – $5,000 to $20,000 depending on the size of the subject lot and results of vegetation mapping and biodiversity values on site.

**Important note:** depending on the proposal, the BDAR may be able to be classified as a 'streamlined' BDAR. Streamlined BDARs are generally less costly and the following streamlined BDARs can be undertaken:

- Scattered trees assessment – conditions outlined in Appendix B of the BAM
- Small area development – conditions outlined in Appendix C of the BAM
- Planted native vegetation – conditions outlined in Appendix D of the BAM

GeoLINK will outline whether you meet any of the above streamlined BDAR scenarios.

- Stage 2:

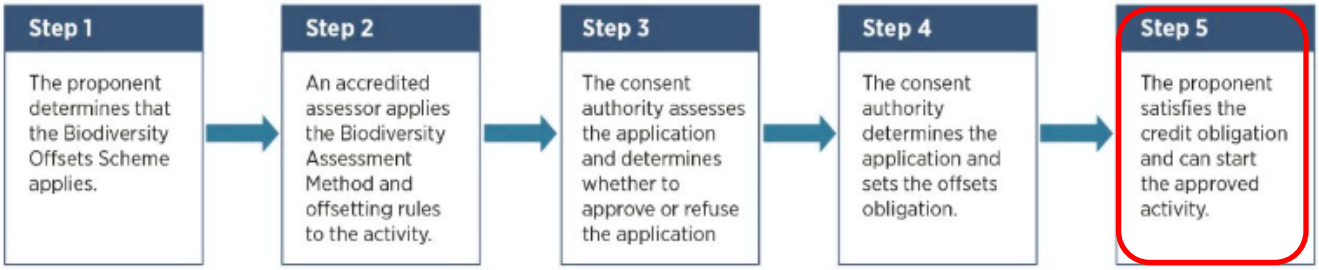
Stage 2 assessment involves the finalisation of the BDAR and includes:

- Advice on the proposal and how to further avoid and minimise impacts.
- Completion of any required vegetation plots.
- Targeted threatened species surveys in accordance with recognised survey methods/ seasonal timing requirements.
- Completion of the BDAR in accordance with BAM standards including addressing other relevant legislation (e.g. Council Development Control Plans, approved Koala Plans of Management and relevant State Environmental Planning Policies).
- Determining biodiversity credits to be retired by the proponent to offset residual impacts of the proposal.

Stage 2: Ballpark estimate – $15,000 to $100,000+ depending on the size of the proposal and number of species requiring survey.

**Important notes**:

- Some threatened species can only be surveyed for at specific times of the year which can add time to proposal submission timeframes. If species cannot be surveyed due to strict proposal timeframes, then certain threatened species have to be assumed to be 'present' on site and credit obligations required.
- Targeted threatened species surveys must be in accordance with BAM survey guidelines, survey in accordance with guidelines can be costly to undertake and often are a large portion of BDAR costs.
- DA Consent Condition requirements such as preparation of a Vegetation Management Plan or Koala Assessments are not usually costed as part of the BDAR. A separate fee proposal would be prepared if required.



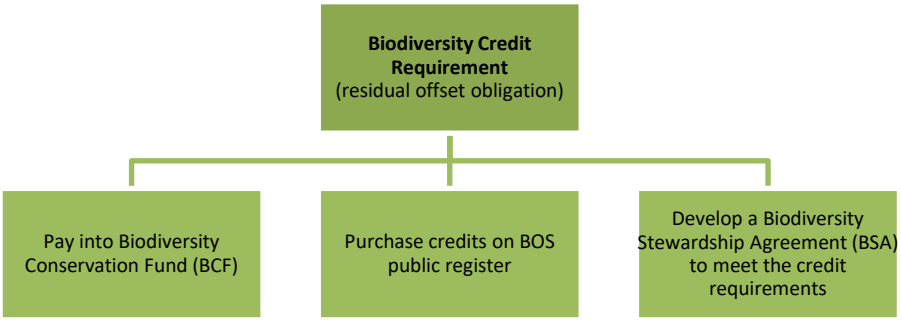

**Offsetting Credit Obligations**

The BDAR will use the BAM-C to identify credit (offset) requirements for the impacts of the proposal on native vegetation and habitat for threatened species or communities. The credit requirements are unknown until the BDAR is sufficiently progressed and all impacts of the proposal are accounted for (both direct and indirect impacts). Where impacts on biodiversity are substantial, significant amount of biodiversity credits may be required.

The BAM-C uses the rules and calculations outlined in the BAM, and the calculator outputs the required offset for biodiversity impacts (quantified as biodiversity credits) to achieve a standard of 'no net loss' of biodiversity. More information about what Biodiversity Credits are is available here.

Once the BDAR is approved by the consent authority, any credit requirements must be retired to offset the residual biodiversity impacts of the development before the activity can be undertaken. Under the *Biodiversity Conservation Act 2016*, proponents have three options to retire credits, being:

- Pay into the Biodiversity Conservation Fund (BCF).
- Purchase credits on BOS public register.
- Develop a Biodiversity Stewardship Agreement (BSA) to meet credit offset requirements.




The most common option for proponents is to pay into the fund. Paying into the fund is an available option as soon as a development has been approved and a legal requirement to retire credits exists. You may only pay into the fund once a consent authority has issued conditions of consent that specify the number and type of credits to be retired.

The BCF Charge System commenced on 17 October 2022. The BCF Charge System will determine a charge/ cost of retiring a credit obligation. Development proponents can request a quote for a charge after finalising a BDAR and seeking conditions of consent. The BCT will provide a charge quote within 10 working days for small projects (< 50 credits) and 30 working days for large projects (> 50 credits), or longer by agreement. Quotes will be valid for three years. Development proponents will be able to pay a charge at any point in that three-year period, with indexation applied as outlined in the quote. More information on paying into the BCF to offset development may be found here.

Evidence of the retirement of credits or payment to the BCF must be provided to the determining authority prior to the issue of a Construction Certificate.

**What if you want to find out biodiversity credit prices early in the planning/ development process?**

The NSW Biodiversity Conservation Trust (BCT) uses a Biodiversity Offsets Payment Calculator to provide a predicted credit price for the credits you are interested in. The BCT price estimation service can be found here. For developers this service is useful to understand potential future payments into the BCF. For development proponents there will be an application fee of $200 per application and $100 for each Credit Type (each Offset Trading Group and Species) included in the application.

**If you would like to discuss your proposal further, please contact GeoLINK whereby one of our BAM Accredit Assessors would be happy to arrange a meeting with you.**