



Biodiversity Offset Scheme Local Government Update No. 6

3 September 2020

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1. Does the 14-day submittal period apply to amended biodiversity assessment reports?

Where the original BAR was valid (i.e. submitted to the decision-maker within 14 days of the date that the biodiversity credit report was finalised) and the decision-maker requests amendments to the BAR which, **do not** affect the number or class of biodiversity credits, then the amended BAR may be re-submitted without reopening and finalising the BAM-Calculator. Under these circumstances, the date of re-submission may not necessarily be within 14 days of the date on the finalised biodiversity credit report. However, the assessor must sign and date the amended BAR.

Where amendments are requested which **do** alter the number or class of biodiversity credits, assessors must provide an amended and finalised biodiversity credit report and apply the 14-day submittal period when re-submitting the amended BAR. This is to ensure the currency and accuracy of the amendments made to the proposal in the BAM-Calculator. (Note – related guidance about applying the 14-day submittal period was provided in [Assessor Update No. 30](#)).

2. NSW BOS and Land Management Framework Flowcharts

The NSW Biodiversity Offsets Scheme and Land Management Framework: Biodiversity Assessment and Approval Pathways are a set of flowcharts that provide guidance on when the BOS applies to development, an activity or vegetation clearing. The flowcharts are now available on our website [land management framework](#). The updated flowcharts were discussed in the most recent [BOS Support Webinar](#), and recording of the webinar is available at this [link](#).

3. Compliance and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Department has updated local government bulletin [Issue 10 Compliance and State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#). The bulletin has been amended to remove reference to the use of development control orders as a compliance measure to remedy unlawful clearing where there is a breach of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP). In the view of the Department, development control orders pursuant to section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) should not be used in response to unauthorised clearing within the meaning of the Vegetation SEPP.

The Vegetation SEPP can be enforced through the existing penalty notice regime in relation to section 4.3 of the EP&A Act. Alternatively, Council may bring proceedings to the Land and Environment Court to remedy or restrain a breach of the Vegetation SEPP.

4. High Threat Weed list review (manageable weeds) – Invitation to participate in survey

We are seeking your input by 11 September 2020 to a [survey](#) identifying high threat weeds (HTW) that can be effectively managed with repeated management practices to inform review of the current HTW list and deliver better conservation outcomes. If you or other officer in your LGA have good field or technical knowledge about any species currently on the list of HTW's, we would love to hear from you by completing the survey.

5. Interim Advice species polygons – Bird dual credit species

The BioNet Threatened Biodiversity Data Collection (TBDC) general notes are being updated with interim advice for survey and subsequent drawing of species polygons for the Glossy Black Cockatoo, Gang-Gang Cockatoo, Powerful Owl and Barking Owl until such time as the Department publishes a Threatened Bird Survey Guideline.

6. BOS Support Webinars

The [Q&A document](#) for BOS Support Webinar No 14 – Biodiversity Offsets and Agreement Management System (BOAMS) for Local Government and other Consent Authorities is now available on our website, below the webinar recording.

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