



Biodiversity Offset Scheme Local Government Update No. 9

17 December 2020

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1. BAM Support mailbox: Christmas close down

It has been quite a year, and the Biodiversity Assessment Method (BAM) support team will be taking a well-earned break over the Christmas-New Year holiday period. So please note that the BAM Support mailbox will not be monitored from Thursday 24 December 2020 to Friday 8 January 2021 inclusive. This means that we will begin to respond to the queries we receive during this period from the 11 January 2021.

This will be the last Local Government Update for 2020. Have a happy and safe break.

2. BOS Bushfire Exemption

As you know, 2019-20 was one of the most widespread and extreme bushfire seasons our State has ever experienced. Many lives were lost and the fires destroyed 2476 homes and damaged many more across the State.

As part of the commitment to helping affected communities rebuild after the 2019-20 bushfires, the NSW Government's has announced a limited exemption from the Biodiversity Offsets Scheme (BOS). This will help to enable people rebuild homes lost in the fires as quickly and easily as possible.

For more information on the exemption, please visit the [BOS Bushfire Exemption page](#) on our website. The [BOS Bushfire Exemption Fact Sheet](#) contains detailed information about how the exemption works, what it applies to, and contacts for further support.

3. Koala SEPP 2020

In November 2020 the NSW Government announced it would revert to operations under the former State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and develop a policy to protect koalas and the interests of farmers in 2021.

The State Environmental Planning Policy (Koala Habitat Protection) 2020 commenced on 30 November 2020 to replace and repeal the State Environmental Planning Policy (Koala Habitat Protection) 2019 (2019 Koala SEPP).

The Koala SEPP 2020 replicates the objectives and provisions of SEPP 44.

You can find more information on the [Koala Habitat Protection SEPP](#) webpage. This includes a [FAQ document](#) setting out the additions and changes to the Koala SEPP 2020. If you require further assistance with the Koala SEPP 2020, please email information@planning.nsw.gov.au.

4. BOS Support Webinar – Q&A

The Q&A document for [BOS Support Webinar No 16 – Biodiversity Assessment Method 2020 - What's New?](#) is now available on our website, below the webinar recording.

5. Biodiversity Values Map Update V.11

Version 11 of the [Biodiversity Values Map and Threshold \(BMAT\) Tool](#) was published on the 27 November 2020. BMAT is a web-based mapping tool that can be used as a guide to help assessors determine if a proposal will exceed the Biodiversity Offsets Scheme Threshold. The changes (also described on the [BV Map webpage](#)) are as follows:

- addition of core koala habitat in the Campbelltown Comprehensive Koala Plan of Management
- addition of core koala habitat identified in three Individual Koala Plans of Management for land in Port Macquarie Hastings LGA
- refinement of Old Growth and rainforest mapping
- **revised** mapping for seven Serious and Irreversible Impact (SAIL) species
- **new** mapping for three SAIL species
- **revised** mapping for eleven SAIL Threatened Ecological Communities (TECs)
- **new** mapping for three SAIL TECs
- landholder – initiated map reviews
- removal of developed land
- removal of recently developed buildings and subdivisions.

Colour changes – New areas that have been added to the Biodiversity Values (BV) Map are shown as dark purple for 90 days and areas that were added in version 10.3 have changed from dark purple to pink and clearing native vegetation in these areas now triggers the BOS.

The updated spatial data is available through the [SEED Portal](#). Any queries: map.review@environment.nsw.gov.au or 02 6360 9000.

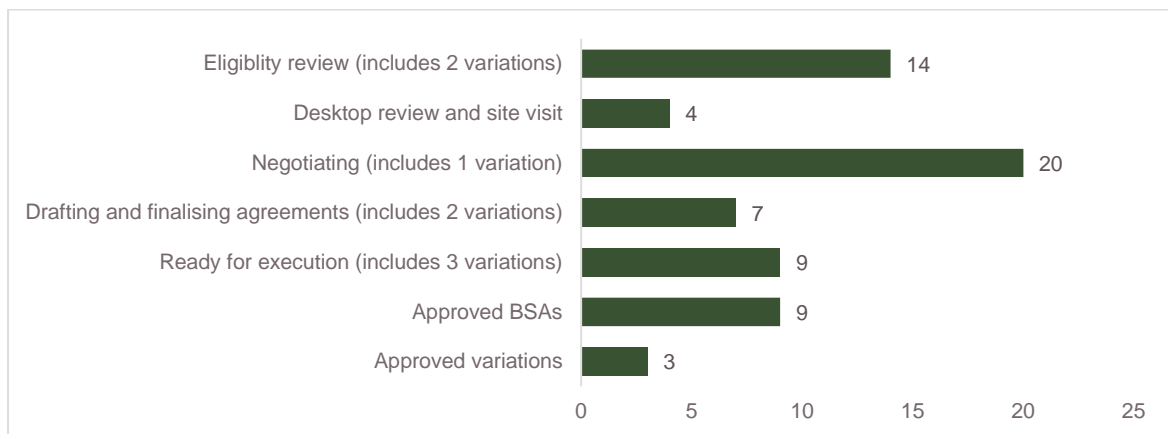
6. BCT Update

The NSW Biodiversity Conservation Trust (BCT) is a statutory not-for-profit body, established under the *Biodiversity Conservation Act 2016* (BC Act) on 25 August 2017. The BCT delivers private land conservation programs and fulfils certain roles under the BOS.

Biodiversity Stewardship Agreement Application status

The BCT is currently processing:

- 46 Biodiversity Stewardship Agreement applications
- 8 variation applications.



BSA Management Plan template update

Part 2 (Grazing management) in the biodiversity stewardship agreement (BSA) management plan template has been revised to align with the BCT Grazing Guidelines. This removes reference to stocking rates/numbers and includes requirements for ground cover (percentage cover and average grass sward height)

BCT Best Practice Revegetation Plan template

The BCT Best Practice Revegetation Plan template is available on the BCT website. This template provides accredited assessors, landholders, contractors and BCT staff with a framework to plan large scale or complex revegetation projects in a BCT agreement. The template is mainly aimed at supporting landholders applying for a BSA and their accredited assessors who are planning to implement active restoration (supplementary planting). Use of the template can help to ensure site constraints are adequately managed (as per Table 3 of the BAM Operational Manual – Stage 3) to enable a successful revegetation project.

Please contact the BCT if you have any questions on these templates at (bct@environment.nsw.gov.au).

7. BOPC Frequency Change

The Biodiversity Offsets Payment Calculator (BOPC) is an interactive tool designed to determine how much a developer must pay into the Biodiversity Conservation Fund to satisfy their offset obligation. The primary aim of the calculator is to provide a price that accurately predicts the costs that the BCT will incur in securing each type of biodiversity credit as an offset.

The Department is changing the frequency of updates to the BOPC to half-yearly. This is in response to the current economic climate. It will reduce biodiversity credit price volatility, improving certainty for developers. Please visit [the BOPC Scheduled updates website](#) for further information about the release for the next update. Contact us at bopc@environment.nsw.gov.au.

8. Clearing area threshold and the BMAT Tool

The [BOS Threshold](#) has two elements:

1. whether the amount of native vegetation being cleared exceeds an area threshold
2. whether the impacts occur on an area mapped on the BV Map.

The BOS threshold, together with the Threatened Species Test of Significance, make up the legislative triggers into the BOS.

The [BMAT](#) Tool can produce a report that states whether the development footprint occurs on the BV Map triggering the BOS and that a BDAR (Biodiversity Development Assessment Report) is required.

However, the BMAT Tool is not able to determine the area of native vegetation that would be cleared by a development proposal and whether proposed clearing of vegetation exceeds Area clearing threshold. The BMAT evaluation report currently states 'Unknown' for the Area clearing threshold trigger and refers to the BMAT User Guide for advice on how to determine the area of native vegetation that would be cleared.

An enhancement has been made to the Tool so that where the development footprint ('Total digitised area') is less than the Area clearing threshold then the report will state 'No' for the 'Area clearing trigger'. Where the footprint is greater than the Area clearing threshold, it will continue to state 'Unknown' and a manual calculation is required to determine whether the Area clearing threshold is exceeded.

The Department is developing Guidelines on *How to calculate native vegetation extant for applying the area clearing threshold* which will provide more detailed advice on the recommended process for calculating proposed clearing of native vegetation to apply the Area clearing threshold. Consultation by invitation on the draft Guidelines is planned to commence shortly. We welcome feedback from Local Government staff on the draft Guidelines and if you are interested in participating please send an email to bam.support@environment.nsw.gov.au. Consultation will close in early February 2021.

9. Seeking concurrence for a reduced credit obligation

The [webpage for seeking concurrence for a reduced credit obligation](#) has recently been updated. Please note the following key updates:

- All local development applications accompanied by a BDAR (as required by section 7.7(2) of the BC Act) are defined as 'threatened species development' and require public exhibition for a minimum period of 28 days (see clause 8A of Schedule 1 to the *Environmental Planning and Assessment Act 1979*).
- All requests for concurrence for a reduced credit obligation from the Department must be made via the [NSW Planning Portal](#).
- Clarification that where a proponent has indicated in their development application that they wish to seek a credit reduction, the consent authority has 10 days from lodgement to forward a copy of the development application and supporting information to the Department. Within 30 days of lodgement, the consent authority must notify the Department as to whether it supports the request for concurrence or not (and include reasons for the proposed credit reduction if supporting it).
- Where a development application does **not** indicate on its face that a credit reduction is being sought, but the consent authority wishes to seek concurrence for a reduction, the consent authority has 14 days from lodgement to make its request to the Department and forward a copy of the development application and supporting information, including reasons for the reduction.
- Where a request for concurrence has been made, the Department must notify the consent authority of its decision within 21 days after it receives the last of the submissions from the public exhibition period, or advice from the consent authority that no submissions were made.
- Clarification that requests for concurrence for a reduced credit obligation must be made prior to a development application being determined.
- Clarification that any concurrence granted only applies to an offset obligation under the *Environmental Planning and Assessment Act 1979*.

The Department is interested to know the prevalence of requests (or interest in making requests) for credit reductions sought by proponents. If you would like to provide any feedback on this topic please email BAM Support at bam.support@environment.nsw.gov.au.

Some subscribers are not receiving our emails. Just a reminder to check your Junk folder (Go to the Home tab, click Junk > Not Junk).

All [Local Government Updates](#) are available on our website.

Note: The information contained in this publication is based on knowledge and information at the time of publication. However, readers are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.