

Biodiversity Offsets Scheme Update No. 10

15 November 2022

Welcome to **Issue No. 10** of the Biodiversity Offsets Scheme Update.

The Biodiversity Offsets Scheme (the scheme) enables the impacts of development on biodiversity to be avoided, minimised and offset. The scheme provides a consistent, transparent, and scientifically credible way for development to proceed while still protecting our environment. The NSW Government remains committed to improving and refining the scheme. You can keep up to date with the latest improvements, news and latest information [via our website](#).

This monthly newsletter is one of the ways in which we communicate and help support the implementation of the scheme. We welcome your feedback on how we might improve our communication. Please submit your suggestions [through our survey](#). You can also check out past newsletters [on the website](#).

The Biodiversity Conservation Trust's (BCT) twice-yearly newsletter is another source of information. You can find it on the BCT's [publication website](#).

For other enquiries on the scheme, contact the dedicated scheme Help Desk team:

- Hotline 1800 931 717, staffed Tuesday to Thursday from 9:30 am to 4:00 pm
- Help Desk mailbox, BOS.helpdesk@environment.nsw.gov.au, monitored Monday to Friday from 9:00 am to 5:00 pm.

In this update

- Assuming presence of species might not always be the most cost-effective option for proponents
- New Biodiversity Conservation Fund (BCF) Charge System has commenced
- Updated BAM-C, TBDC and SAI lists
- Book in for Accredited Assessor Training
- A simpler BSA application form
- Credit Supply Fund now in operation
- IPART is seeking feedback on its role monitoring the biodiversity credits market
- Draft Native Vegetation Regulatory map release
- Update to advice on unlawful clearing
- Reminder to submit BOS Credit transfers and retirements applications as soon as possible

- New BOS Credit Ownership report
- Credit Holding list view disabled in BOAMS
- Linking corporation landholder case parties in BOAMS
- BOAMS – DA Number/Major Projects ID field can now be edited by Accredited Assessors
- Threatened reptiles – Biodiversity Assessment Method survey guide published
- Reminder that BAM Support Mailbox has been replaced by BOS Help Desk

Assuming presence of species might not always be the most cost-effective option for proponents

Under the Biodiversity Offsets Scheme, when assessing the impacts of development on species credit species, a proponent can choose to assume the presence of species, rather than confirming presence through a field survey or seeking an expert report.

When assumed presence is applied, it results in the maximum credit obligation for the target species. This could be more costly for a proponent than a credit obligation based on a targeted survey to confirm the actual presence of the species.

The new BCF Charge System has updated the way that species credits are priced for proponents who choose to pay into the Biodiversity Conservation Fund. Changes to pricing for some species credits under the new BCF Charge System mean that surveying for species may produce a better financial outcome than relying on assumed presence.

If you are working on a Biodiversity Development Assessment Report (BDAR) that includes an allocation for species credits based on assumed presence rather than surveying, it may be timely to revisit your assessment and reconfirm this is the best option.

New Biodiversity Conservation Fund (BCF) Charge System has commenced

The new Biodiversity Conservation Fund (BCF) Charge System commenced on **Monday 17 October 2022**.

The Biodiversity Conservation Trust (BCT) is now using the BCF Charge System to determine the amount a proponent may pay into the BCF to meet their biodiversity offset obligation.

The BCT held a public webinar on 11 October 2022 with more than 350 stakeholders to explain the BCF Charge System and to answer any questions. You can view a recording of the webinar: [Implementation of the new BCF Charge System](#).

For more information about the BCF Charge System please visit the [BCT website](#).

Updated BAM-C, TBDC and SAI lists

The BAM-Calculator (BAM-C) was updated on **Friday 14 October 2022**. The Threatened Biodiversity Data Collection (TBDC) and the candidate list of Serious and Irreversible Impacts (SAI) have also been updated.

Updates to BAM-C include:

- amendments to habitat constraints for a range of species
- addition of the Canberra grassland earless dragon
- removal of SAI and reduction in biodiversity risk weighting for the golden sun moth.

Assessors with in-progress assessments should review any candidate species previously removed due to the absence of habitat constraints. The assessor will need to manually re-add the species to the assessment and check if any new habitat constraints are listed for the species. If the species is to be removed from the assessment, justification must be provided in the BDAR.

Updates to TBDC, in addition to the above, include:

- addition of supporting information for Environment Protection and Biodiversity Conservation Act-only listed species
- amendments to the survey advice for threatened frogs and the red helmet orchid
- clarification for species displayed on the Important Habitat Map.

Updates to the Serious And Irreversible Impact (SAI) list include:

- addition of the Canberra grassland earless dragon
- the removal of the golden sun moth, eastern curlew and *Prasophyllum* sp. Wybong
- minor species name updates.

Please see the attached release notes PDF for details.

Book in for BAM Accredited Assessor Training

The department is now taking registrations for assessor training courses. For people wanting to become accredited, more details can be found on the [applying for assessor accreditation webpage](#). For people who need to complete renewal training, a registration link can be found on the [renewing accreditation webpage](#). There are courses available in December 2022, February 2023 and March 2023.

More will be added in the new year.

A simpler BSA application form

A new and simpler [application form](#) for a Biodiversity Stewardship Agreement (BSA) is now available online or by request from the CST BSA Coordination Team Mailbox at bsa@bct.nsw.gov.au. You can find out more about this on the [Applying for a Biodiversity Stewardship Agreement](#) page. Some of the key improvements include:

- reducing the number of supporting documents
- removing the need to provide references as part of the fit and proper person test
- assessors are no longer required to sign the application form, and
- removal of the application fee.

The Taskforce is continuing to progress a range of other improvements to delivery of BSA's. Since July, the Taskforce has approved 10 BSA's covering over 6,260 ha, and a further 12 agreements are ready for landholders to sign.

Credits Supply Fund now in operation

On 28 October 2022, the Credits Supply Fund commenced operation seeking to buy biodiversity credits through a reverse auction. The focus is on existing biodiversity credits (including BAM) and those that will be shortly generated through a BSA application, including for credits located in the Hunter, Western Sydney, Central West, North West and the Riverina, as well as a range of species credits. Bids closed on **Friday 11 November 2022**.

With significant interest from infrastructure proponents and developers looking to purchase credits through the Supply Fund, the first reverse auction provides a good opportunity for credit holders and BSA applicants to sell credits.

Auction results will be known by 30 November 2022, with credits being made available to purchase from early December 2022.

By buying credits, the Supply Fund will help secure offsets faster, and increase the number of sites in active management with landholders receiving annual management payments.

More information and notice of future reverse auctions, the standing price offer and buying credits from the Supply Fund will be announced via the [Credits Supply Fund webpage](#).

If you have any questions or receive any queries in relation to the Credits Supply Fund, please direct these to SupplyFund@environment.nsw.gov.au.

IPART is seeking feedback on its role monitoring the biodiversity credits market

The NSW Government has commissioned the Independent Pricing and Regulatory Tribunal (IPART) to monitor and report on the operation of the NSW biodiversity credits market.

Independent monitoring of the biodiversity credits market will support transparency and public confidence in the scheme and help improve its operation.

IPART is currently seeking feedback on the draft terms of reference for its market monitoring role, with submissions closing on **Friday 25 November 2022**.

For more information and to [subscribe to updates](#) on this work, visit the [IPART website](#).

Draft Native Vegetation Regulatory Map release

The Native Vegetation Regulatory map (NVR map) designates NSW land into several land management categories. Each category of the NVR map is determined by criteria within the [Local Land Services Act 2013](#) (LLS Act) and [Local Land Services Regulation 2014](#) (LLS Regulation). A [draft Native Vegetation Regulatory \(NVR\) map](#) for 11 Local Government Areas (LGA) in the Riverina Murray and South East regions of New South Wales was published on 5 October 2022. The LGAs where the map has been released are Albury City,

Coolamon Shire, Cootamundra Gundagai Regional, Greater Hume, Hilltops, Junee, Lockhart Shire, Snowy Valleys, Upper Lachlan Shire, Wagga Wagga City and Yass Valley.

The [draft NVR map viewer](#) displays all land categories identified in the LLS Act. The draft NVR map does not impose any new legal obligations on landholders. The transitional period across all of New South Wales continues to apply and the [transitional NVR map viewer](#) displaying Category 2-sensitive regulated land and Category 2-vulnerable regulated land remains in force.

During the transitional period landholders/proponents are responsible for determining the land management categories that apply under the LLS Act. Accredited Assessors applying the Biodiversity Assessment Method (BAM), can use the draft NVR map viewer to identify Category 1- exempt and Category 2-regulated land in the 11 LGAs.

Visit the [Native vegetation regulatory map land categorisation](#) and the [Biodiversity Offsets Scheme](#) page to find information about the transitional NVR map and land management categories.

The draft NVR map will continue to be published in stages. The process of producing a final map is likely to take around 12 months. Landholders can continue to request a free map review of the statewide transitional NVR map or the draft NVR map in published areas.

If you have any questions about the draft NVR map release, please contact the Map Review Team at map.review@environment.nsw.gov.au or on 02 8000 0258.

Update to advice on unlawful clearing

The department has updated its advice on whether a council can require a Biodiversity Development Assessment Report (BDAR) for a proposed development in circumstances where prior unlawful clearing has occurred.

In certain circumstances, it may be appropriate for a consent authority to consider the impacts of previous unauthorised development (or clearing) if it relates to the matters for consideration that are relevant to a proposed development application under [section 4.15](#) of the [Environment Planning and Assessment Act 1979](#) (EPA Act).

Further information is available on the local government questions and answers [department website](#) under 'Assessment Pathway'.

Reminder to submit applications for BOS Credit transfers and retirements as soon as possible

There is currently a high demand for BOS credit transfer and retirement applications to be finalised before Christmas. Applications need to be submitted as soon as possible if the credits need to be transferred or retired prior to **Friday 23 December 2022**.

Applicants should account for the following when planning for completion of their applications to transfer or retire biodiversity credits:

- allow time to make any payment of the Total Fund Deposit to the Biodiversity Conservation Trust, that may be due
- allow time for the [application fee](#) to be received by the department when planning their deadlines for an application to be processed.

The department will make every effort to expedite an application where the applicant advises a deadline and provides a completed application form and supporting documents.

The department can also review draft (non-executed) applications. This is a useful way to make sure the application is complete and accurate before it is signed by people with the appropriate legal authority.

More information is available online about [offset credit transactions](#) and [transferring and retiring Biodiversity Offsets Scheme credits](#), including the usual timeframe to process an application and the review process.

Please contact BOSCREBITS@environment.nsw.gov.au with any queries about this reminder.

New BOS Credit Ownership report

The department has developed a new PDF credit ownership report for BOS credits. The report is available for a credit holding and identifies all owners of the credits and outlines the status, number and class of credits available within the credit holding.

The report will be made available to credit holders (credit owners) at the conclusion of credit transfers.

Credit holders (credit owners) can also request a credit ownership report by sending an email to boscredits@environment.nsw.gov.au. You must include your full name and the credit holding reference in your request. The department may ask for additional information to ensure the correct ownership report is provided to you.

The department will only provide a credit ownership report to third parties (e.g. an accredited assessor) after receiving written consent from the credit holder (credit owner).

Credit Holding list view disabled in BOAMS

The department has disabled the 'Credit Holding' list view for users who can log in to Biodiversity Offsets and Agreement Management System (BOAMS) due to maintenance happening in a related part of the system. We will advise when this list view is reinstated.

The new BOS credit ownership report is an alternative to the 'Credit Holding' list view for all credits owners. The report provides credit owners with more information about credits they own compared to the list view. See item above on the new BOS credit ownership report for more information.

Linking corporation landholder case parties in BOAMS

The department has made improvements to the way organisation accounts are linked as corporation landholder case parties in the BOAMS. This follows improvements to the way organisation accounts are created in BOAMS which were outlined in [BOS Update No. 6](#).

This affects organisations who are corporations managed under the *Corporations Act 2001* and have an Australian Company Number (ACN).

The ACN, the Australian Business Number (ABN) or BOAMS customer number (C-XXXXXX) can now be used to link organisation accounts for a corporation landholder case party.

Accounts for individual people in BOAMS are not affected by this improvement. Please continue to use existing accounts for all customers when linking them as case parties. New accounts must only be created where the person or organisation does not have an existing account.

The department will contact account owners when making any updates to accounts in the future.

BOAMS – DA Number/Major Projects ID field can now be edited by Accredited Assessors

Assessors, please note that you are now able to enter the relevant project number/reference in the 'DA Number/Major Projects ID' field in BOAMS (on a Parent case). When entering the relevant reference, please enter it as it is written by the consent authority, including any prefix and/or hyphen (e.g., SSD-1234, DA-1234-2022 or DA-2022/1234).

Users with a Council/Consent Authority account can continue to enter the relevant project number/reference in the "DA Number/Major Projects ID" field in BOAMS (on a Parent case).

Threatened reptiles – Biodiversity Assessment Method survey guide published

The [Threatened reptiles BAM survey guide](#) has been published and is available on our publications page and via the [assessor resources](#) pages. This guide is a companion to the BAM and helps accredited assessors when applying the BAM to survey for threatened reptiles and their habitat, map the species polygon when presence is identified, and document required information in the Biodiversity Assessment Report.

Reminder that BAM Support Mailbox has been replaced by BOS Help Desk

A number of enquiries are still being sent to the BAM Support Mailbox. This is a reminder that the BAM Support Mailbox has been closed and replaced by the BOS Help Desk.

Please send future email enquiries to bos.helpdesk@environment.nsw.gov.au or call the Help Desk on 1800 931 717 (Tuesday to Thursday from 9:30 am to 4 pm).

Environment and Heritage Group, Department of Planning and Environment, Locked Bag 5022, Parramatta NSW 2124. Phone: 1300 361 967 (environment and national parks enquiries); email: info@environment.nsw.gov.au; website: www.environment.nsw.gov.au
EHG 2022/0579 November 2022.