

Review: Biodiversity Certification Assessment Report

North Tuncurry Urban Release Area

June 2025

Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

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1 Summary

In August 2019, the Department of Planning Housing and Infrastructure (DPHI) applied for biodiversity certification of North Tuncurry Urban Release Area (North Tuncurry) under the savings and transitional arrangements for the now-repealed *Threatened Species Conservation Act 1995* (TSC Act).

Under the TSC Act, the Minister may only confer biodiversity certification on North Tuncurry if:

- the application is supported by a Biodiversity Certification Assessment Report (BCAR) that is prepared in accordance with the Biodiversity Conservation Assessment Method (BCAM), and
- based on the BCAR, the Minister is satisfied that the biodiversity certification will improve or maintain biodiversity values.

In June 2025, the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) completed a high-level adequacy review of the BCAR for North Tuncurry against these requirements. The outcomes of this review are documented in this paper. In summary, the review found that:

- The BCAR for North Tuncurry has generally been prepared generally in accordance with the BCAM.
- It would be open for the Minister to be satisfied that biodiversity certification of North Tuncurry will improve or maintain the biodiversity values in the certification area provided the biodiversity certification order.

However, the review also found some issues the Minister may wish to consider in determining whether the certification of North Tuncurry will improve or maintain biodiversity values. These issues, which are set out under the heading ‘considerations’ in each section of this paper, include:

- Credit generation potential on the proposed BSAs may have been overestimated in the BCAR. Although this will be confirmed as part of the separate process to enter the BSA it likely means that more credits will need to be sourced from the market than contemplated in the BCAR. To address this risk, it is recommended that the biodiversity certification order requires the number and type of credits calculated in the BCAR to be retired to meet improve or maintain, rather than entry into this BSA.
- Tuncurry Midge Orchid species credits are not currently on the credit market. This species is listed as critically endangered under both the BC Act and *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). As the species has a highly restricted range there is a risk that generating enough credits to offset the biodiversity certified area could be challenging. However, it is noted that initial results of surveys undertaken by DCCEEW in early 2025 suggest additional populations of Tuncurry Midge Orchids occur within 10km of known records.

2 Review outcomes

2.1 Biodiversity Certification Assessment Area

The Biodiversity Certification Assessment Area (assessment area) is a contiguous area of land. Assessment circles are centred on the assessment area as illustrated in Figure 30 of the BCAR. A 2000ha circle has been applied which covers the entire assessment area. The scaling of the circle is in accordance with the BCAM.

Figure 2 in the BCAR illustrates a clear boundary for the assessment area. Land within the assessment area has been identified as land to be certified, land to be retained and proposed onsite offset areas. The onsite offset areas are proposed to be conserved in perpetuity i.e. the proposed BSA site and Tuncurry Midge Orchid reserve.

Retained lands are neither certified lands nor conservation measures. Development proposals in these areas will continue to require biodiversity approvals as regulated under the BC Act and the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Considerations

The assessment area described in the BCAR is in accordance with the BCAM.

2.2 Improve or maintain biodiversity values

The BCAM states that biodiversity values are to be regarded as being improved or maintained (as shown in the application for biodiversity certification) if:

- The conferral of biodiversity certification on land does directly impact on biodiversity values in a red flag area but the DCCEEW Secretary is satisfied, having considered the criteria in section 2.4, that impacts on the red flag area may be offset in accordance with the rules and requirements set out in section 10 of the BCAM.
- The direct impacts on the biodiversity values of land to which biodiversity certification is conferred are offset in accordance with the rules and requirements set out in section 10 of the BCAM.
- The Secretary is satisfied that any indirect impacts on the biodiversity values of land to which biodiversity certification is conferred are appropriately minimised in accordance with section 6 of the BCAM.

Considerations

The Secretary must be satisfied the impacts on red flag areas may be offset in accordance with Section 10 of the BCAM. Direct impacts can be offset in accordance with Section 10 of the BCAM. Indirect impacts are addressed in Section 3.7 of the BCAR and proposed mitigation is described in Section 5 of the BCAR.

The BCAR assumes a proposed BSA site within the assessment area will be delivered as land managed in perpetuity for conservation. This vegetation is needed to ensure wildlife connectivity is maintained at a local scale. In the absence of the BSA the site is still expected to maintain a local biodiversity corridor because it is currently zoned C2 Environmental Conservation in the Great Lakes Local Environmental Plan (2014) (Great Lakes LEP), however delivery of the proposed BSA would make a maintain or improve outcome more likely.

2.3 Red flag areas

Tuncurry Midge Orchids are critically endangered so areas supporting this species are ‘red-flagged’ under the BCAM. Various modifications to the proposed footprint are reflected in the BCAR, including the excision of a 4.08 ha Tuncurry Midge Orchid reserve as a conservation measure.

No further areas in this assessment were identified as red flags as the assessment area does not contain any:

- vegetation types greater than 70 per cent cleared in the Hunter-Central Rivers catchment
- vegetation types listed as Critically Endangered Ecological Communities or Endangered Ecological Communities
- areas of vegetation recognised as having regional or state biodiversity significance.

Considerations

The Secretary is satisfied in accordance with Section 2.4.1 of the BCAM that the application for biodiversity certification has adequately considered the feasibility of options to avoid impacts on threatened species red flag areas and that impacts on the threatened species habitat that constitutes the red flag area may be offset in accordance with the rules and requirements set out in Section 10 of the BCAM (Tab 3).

The red flag variation was approved by the Secretary on the basis that the conservation measures in the BCAR are delivered, including a BSA to protect Tuncurry Midge Orchids in perpetuity within the assessment area and a Construction Environmental Management Plan (CEMP). However, it is not proposed to require this land to be secured under a BSA as a conservation measure for this biodiversity certification.

The land proposed for a BSA is zoned C2 Environmental Conservation in the Great Lake LEP, but there are no conservation management obligations to ensure Tuncurry Midge Orchids are protected.

2.4 Assessment and measurement of general biodiversity values

Section 2.1 of the BCAR describes how a literature review and previous studies and surveys have been used to inform the BCAR.

The proposal occurs on the Manning-Macleay Barriers and Beaches Mitchell Landscape which is 24 per cent cleared. The proposal is in the Karuah Manning subregion of the Hunter-Central Rivers catchment. Figure 15 in BCAR maps the native vegetation extent. Cleared land identified within the assessment area is associated with existing golf course and existing infrastructure. Figure 1 in the BCAR shows nearby Wallamba River and Tasman Sea in the vicinity, however wetlands and waterways do not occur within the assessment area.

Three vegetation types were separated into 13 vegetation zones shown in Figure 20 in the BCAR. None of the vegetation types represent Threatened Ecological Communities listed under the TSC Act.

The assessor completed vegetation plots between 2012-2020. Section 3.1 of BCAM states that existing data or information in ecological reports, previous survey data, species records and spatial data relevant to the assessment area may be used to apply the methodology in an application for biodiversity certification. The BCAR states that earlier surveys were undertaken in accordance with BCAM and Table 3 in the BCAR demonstrates the number of vegetation plots and locations are generally consistent with BCAM requirements.

The Biodiversity Certification Biodiversity Certification Operational Manual (OEH 2015) suggests data more than 2 years old must be verified through ground truthing. While verification of the data is not described in the BCAR, it does demonstrate general biodiversity values are likely to have been assessed adequately to inform credit calculations. Transect surveys were used to provide quantitative measures of the 10 condition attributes in each vegetation zone as described in Appendix F of the BCAR.

Current and future site value scores are described in Table 9 of the BCAR. Future site values are zero for all land proposed to be developed in accordance with the BCAM.

Proposed future site value scores for conservation land are expected to be gains, even if within infrastructure easements. The extent of predicted gain for each condition attribute must be based on the impact of ongoing management required to maintain the essential services on biodiversity values. Future site value scores for conservation land are not required to determine if a maintain or improve outcome is achieved, if the order only requires the equivalent biodiversity credits to be retired. Further, the BCAR indicates that the energy provider will manage the easement in a way that avoids and minimises impacts to biodiversity.

Considerations

Assessment and measurement of general biodiversity values is in generally in accordance with the BCAM.

2.5 Assessment of landscape value

Figure 30 of the BCAR illustrates the assessment circle has been scaled up to 2,000ha to ensure the entire assessment area fits into the circle. Section 3.2 of the BCAR demonstrates how the current landscape value score of 20 was calculated for the land to be certified. A landscape value of 17.4 was calculated for the proposed conservation measures.

The increase in the percentage native vegetation cover score (4.4) calculated in the BCAR is based on the 3.15.8ha of land proposed as conservation measures being delivered within the biodiversity certification assessment area. If the conservation measures on site are not delivered this gain is not relevant to the consideration of whether biodiversity values are maintained or improved because of biodiversity certification.

Further it does not change the offset requirements to offset the impacts of the proposed development. Equivalent credits would be retired to offset the impacts of biodiversity certification of land, which contributes to the Minister's consideration of whether biodiversity values are maintained or improved, however delivery of a conservation area within the assessment area would make the maintain or improve outcome more likely.

Considerations

The assessment of landscape value is generally in accordance with the BCAM.

However, the Biodiversity Certification Biodiversity Certification Operational Manual states that the percentage native vegetation cover score should be based on terrestrial land area only. The assessment circle covers ocean and the BCAR does not appear to have considered this in the percentage native vegetation cover score. The ecosystem credits requirements calculated in the BCAR may be different if the ocean was not considered as part of the assessment circle.

2.6 Assessment and measurement of threatened species

Species surveys of the study area commenced in 2005 and have continued through 2008, 2010-2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2023, as documented in the BCAR. Concerns have been raised by DCCEE and MidCoast Council regarding the age of survey data and methodologies. Under the BCAM and the associated NSW Guide to Surveying Threatened Plants (OEH 2016), past threatened surveys can be used only if they have been done at the site within the last five years.

The BCAR states that surveys were undertaken in accordance with Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft November 2004 (NSW Department of Environment and Conservation 2004). There has not been a significant change to the condition of the vegetation or its connectivity in the landscape since the earlier surveys or records were made.

The BCAR assumes presence of Brush-tailed Phascogale and Eastern Pygmy Possum across the assessment area. The BCAR states these species are difficult to detect, even when present and are considered likely to still use all areas of the assessment area except the dunal areas.

The Biodiversity Certification Operational Manual states that assumed presence is only appropriate for land proposed for biodiversity certification. It is also noted that if the proposed BSAs were to be established, this would need to be done under the BC Act and species credit entities cannot be assumed present in a biodiversity stewardship site under the BC Act. As such, an order conferring biodiversity certification should not make any commitments to the credits generated by the conservation lands based on the BCAR.

The Biodiversity Certification Operational Manual states (page 37) “*certain species with a large number of individuals (e.g. grass species) or a growth form that makes it difficult to distinguish one individual from another (e.g. clonal species) may rely upon a hectare based unit of measurement*”. Since there are a large number of Tuncurry Midge Orchid individuals in the assessment area, and because the assessment area is a large site, this approach would be reasonable and follows the intent of the BCAM. However, independent expert advice regarding the red flag variation request was prepared in May 2025. The advice found the survey effort and method used for Tuncurry Midge Orchids to be adequate.

Species polygons are referred to in the BCAR (Figures 23-29), with the area for fauna species, and number of individuals for flora species, proposed to be impacted:

- Brush-tailed Phascogale: 204.88ha impacted, 276.69ha proposed conservation areas
- Eastern Pygmy Possum: 204.88ha impacted, 276.69ha proposed conservation areas
- Tuncurry Midge Orchid: 227 recorded individuals impacted, 2560 recorded individuals in proposed conservation areas, 1586 recorded individuals in retained land

Considerations

The proposed BSA site would need to be assessed through a Biodiversity Stewardship Site Assessment Report and comply with the *Biodiversity Conservation Act 2016* (BC Act) and Biodiversity Assessment Method (BAM) requirements. The number of credits generated by the proposed BSA may be different to that expected in the BCAR.

2.7 Matters of national environmental significance

As there are Matters of National Environmental Significance (MNES) (i.e. listed communities and species on the schedules of the EPBC Act) to be affected in the study area, the proposal was also referred to the Australian Government and was subsequently declared a ‘controlled action’ under the EPBC Act.

This site is not subject to a strategic assessment under the EPBC Act.

Considerations

The approval requirements under the EPBC Act are separate to the NSW biodiversity certification assessment and approval process. The Australian Minister for the Environment has not approved the proposed action and may require different offsetting requirements or refuse the development of the North Tuncurry Urban Release Area.

2.8 Assessment of indirect impacts on biodiversity values

The Secretary must be satisfied that any indirect impacts on biodiversity values resulting from the conferral of biodiversity certification are appropriately minimised in accordance with Section 6 of the BCAM. Indirect impacts are addressed in Section 3.7 of the BCAR. Proposed mitigation is

described in Section 5 and includes preparing a CEMP. The BCAR also provides evidence (Appendix S) that changes to the groundwater regime would have minimal indirect impacts on proposed conservation areas.

All impacts, direct and indirect, are considered in the BCAR to be completely contained within the area proposed for biodiversity certification (other than to species using Nine Mile Beach).

The BCAM states the BCAR must address how the proposed ownership, management, zoning and development controls of the land proposed for biodiversity certification is intended to mitigate any indirect impacts on biodiversity values. The proposed development area includes associated roads, stormwater management structures, infrastructure and required Asset Protection Zones (APZs).

The indirect impacts from the increased proximity of residential development are proposed to be minimised even though the BCAR provides a cursory assessment of indirect impacts. Measures to mitigate indirect impacts are proposed to be managed mostly by preparing and implementing a CEMP (Section 5.7.3 of the BCAR). However, the BCAR is not clear about who will be responsible for implementing the CEMP, or how satisfactory implementation of the CEMP would be monitored.

The proposal may have indirect impacts to the Green Turtle and Pied Oystercatcher that have been recorded nesting on Nine Mile Beach immediately adjacent to the assessment area. These species are very susceptible to disturbance during the breeding season and will abandon breeding attempts if disturbed by people using the beach and domestic animals such as dogs. The indirect impacts are mitigated by the proposed CEMP and \$250,000 of funding to establish a Green Turtle and Pied Oyster Catcher nesting monitoring program along Nine Mile Beach adjacent to the assessment area.

A conservation measure protecting a red flag area must include a buffer to reduce negative indirect impacts from biodiversity certification. Buffers around red flag areas have been incorporated into the proposal. Known individuals of Tuncurry Midge Orchids within conservation areas are not within 30 metres of development areas, however habitat is likely to be within the 30 metres and therefore some indirect impacts may have been underestimated. The Secretary is satisfied that the size of the buffer area is appropriate to mitigate any negative indirect impacts from development following certification as per his decision to approve the red flag variation request in May 2025.

Indirect impacts to MNES are not described specifically in the BCAR.

Considerations

The BCAR provides a cursory assessment of indirect impacts and proposes to deliver a range of mitigation measures through a proposed CEMP. The BCAR demonstrates indirect impacts have been considered and the BCAR concludes indirect impacts are completely contained within the biodiversity certified area. Measures are proposed to mitigate indirect impacts via a CEMP which would usually be via an agreement between relevant parties to do so e.g. MidCoast Council.

Adjacent urban development may increase access to Nine Mile Beach. Indirect impacts have been addressed in the BCAR and mitigation measures proposed including restricting 4WD and dog access to Nine Mile Beach. MidCoast Council would need to agree to these restrictions as they would be responsible for compliance

2.9 Ecosystem credits and species credits

The biodiversity certification credit calculator version 1.9 was used to calculate the biodiversity credits for this assessment. The BCAR states that it was agreed that the datasets embedded in Version 1.9 of the biodiversity certification credit calculator tool at the start of the assessment would continue to be used throughout the assessment and determination of the application.

Species credits have not been calculated for Green Turtle and Pied Oystercatcher as there is no loss of habitat for these species. Impacts to these species has been considered as indirect impacts and mitigation measures proposed e.g. contribution to research and lighting controls as part of future development.

Table 11 and 12 in the BCAR outlines the ecosystem and species credit required to offset impacts of biodiversity certification. The biodiversity credit requirement for each of the 22 stages of development is described in Table 19 and 20 of the BCAR.

Considerations

The BCAR assumes presence of Brush-tailed phascogale and Eastern Pygmy Possum in the conservation areas. If biodiversity certification is conferred, it should not assume the BSA proposed in the BCAR is suitable for offsetting these species. This can be addressed by requiring the credit obligation to be met via retiring the full number and class of biodiversity credits calculated in the BCAR in accordance with the BCAM offsetting rules.

2.10 Biodiversity certification strategy

Section 126K of the TSC Act states that biodiversity certification may only be conferred on land by the Minister if the applicant has a biodiversity certification strategy.

The land proposed for certification is shown in Figure 2 of the BCAR. Land proposed for biodiversity conservation within the assessment area is also shown in Figure 2 of the BCAR, and additional land identified to secure the remaining offsets required, proposed for conservation outside the assessment area is shown in Figure 34 of the BCAR. Proposed conservation measures are described in section 5.3 of the BCAR. Parties to the biodiversity certification are described in section 5.5.

The biodiversity certification strategy does not state the expected term of the biodiversity certification.

Considerations

The BCAR lists the follows parties to the biodiversity certification, however there is no evidence that they consent to being a party in accordance with Section 1246M(4) of the TSC Act:

- DPHI
- MidCoast Council
- Landcom
- Foster Local Aboriginal Land Council

2.11 Conservation measures

The BCAR identifies the conservation measures in Sections 5.3.1, 5.3.2 and 5.7. The biodiversity credit requirement for each of the 22 stages of development is described in Table 19 and 20 of the BCAR.

The BCAR demonstrates an effort to avoid and minimise impacts on red flags and biodiversity values in general. Appendix T shows iterations of the development footprint that reduces the development area down from 358ha to 251ha.

There is no loss of habitat for Green Turtles or Pied Oyster Catchers as a result of the proposal but indirect impacts are proposed to be mitigated by funding research and monitoring programs. This funding is not intended to contribute to offset requirements and so have not been calculated using section 9.3 of the BCAM.

The applicant has proposed to generate credits from conservation measures within the biodiversity certification assessment area. However the number of credits generated within the biodiversity certification assessment area will be insufficient to improve or maintain biodiversity values, so additional ecosystem credits and species credits are needed to be obtained from outside the biodiversity certification assessment area.

The BCAR proposes to generate credit requirements via a BSA within the assessment area and at a nearby site outside of the assessment area. The application for a BSA onsite is proposed to occur within 12 months of conferral of biodiversity certification. All credits generated by the on-site BSA are proposed to be 'retired' prior to the commencement of the sixth year or stage 6 of development (whichever is the sooner). The BCAR states this has been agreed with DCCEE in July 2019. Active management as per the BSA would not commence until the sixth year after conferral (however this would require a biodiversity certification agreement).

In a letter from DCCEE on 20 December 2024, it states that DCCEE and Landcom will draft and agree to the Biodiversity Certification Agreement so that it can be signed if the Minister decides to confer biodiversity certification. It stated the agreement would set out all the requirements Landcom must meet, including all obligations set out in the BCAR. However, the agreement has not been drafted and DCCEE's preference is to contain all requirements within the Biodiversity Certification Order.

It should be possible to generate the required ecosystem and species credits from the North Tuncurry site and in other nearby locations identified in the BCAR. This would be undertaken as part of implementation and DCCEE will work with the applicant following the Minister's decision on certification.

Most supporting documents have been provided as per Appendix J of the Biodiversity Certification Operational Manual, however the printout from the Biodiversity Certification Credit Calculator, full workings of biodiversity credits balance, and a completed and signed Biodiversity Certification Agreement are not attached.

Considerations

Offsets rules in Section 10 of the BCAM can be met.

Section 8.1 of the BCAM states that conservation measures that are proposed in the application but are not in place by the time biodiversity certification is conferred should be secured via a biodiversity certification agreement. It also states that, proposed conservation measures that are used to mitigate any negative indirect impacts and that are not in place at the time a biodiversity certification proposal is approved must be secured via a biodiversity certification agreement. If a person or organisation is not a 'party' to the biodiversity certification order, a biodiversity certification agreement is generally used to ensure conservation measures are delivered.

Land proposed in the BCAR for conservation measures is within an ecological corridors and zoned C2 Environmental Conservation. However, the land is not secured in perpetuity to be managed for conservation. Conservation measures cannot be imposed on the proposed BSA site in the biodiversity certification order because this would make the relevant land ineligible for a future BSA in accordance with Section 5.1 of the Biodiversity Conservation Regulation 2017.

The BSA proposed in the BCAR may not generate as many credits as expected. For example, the BCAR does not indicate that discounting has occurred in accordance with section 8.4 of the BCAM for example because the proposed conservation land is already a Crown reserve. Therefore, the timing of securing the BSA sites to generate credits for offsets, and the amount of credits generated is unclear at this time..

2.12 Obtaining credits outside the biodiversity certification assessment area

The following conservation measures outside the biodiversity certification assessment area are available under section 9 of the BCAM:

- retirement of existing biodiversity credits under the biodiversity banking scheme under Part 7A of the TSC Act that were generated on land outside the biodiversity certification assessment area (refer to section 9.1)
- conservation measures outlined under section 8.4 of the methodology where those measures are situated on land outside the biodiversity conservation assessment area (refer to section 9.2)
- financial contributions (refer to section 9.3 and section 9.4).

The BCAR proposes to enter into a BSA outside the assessment area and highlights the potential for a future request for a variation to the offset rules for ecosystem credits only.

Biodiversity credits acquired and retired from the biodiversity register established under Part 7A of the TSC Act are equivalent to the ecosystem credits and species credits for biodiversity certification. Therefore, they can be used to contribute to a determination that the conferral of biodiversity certification improves or maintains biodiversity values. However, an equivalent number and type of BAM credits may also be used with approval from DCCEEW. A statement of reasonable equivalence would be required to determine the number of BAM credits required to maintain or improve biodiversity values as a result of biodiversity certification.

Considerations

Credits obtained for conservation measures outside the assessment area can satisfy the offset rules set out in section 10 of the BCAM.

2.13 Timing of credit requirement

The proposal is expected to be developed in 22 residential stages plus the business/employment lands over an approximate 35-year period. The BCAR states that an application for registration of the onsite BSA would be made within 12 months of biodiversity certification being conferred. It also states that active management of this area would be undertaken on an annual basis for the first five years from the commencement of construction, prior to the retirement of all credits.

The proposed staging in the BCAR allows the disturbed orchid pollinator corridors to be revegetated and restored for up to six years prior to the impacts of residential Stages 10-22.

The proportion and types of credits required for each stage of development and when credits are proposed to be retired is shown in Tables 19 and 20 and Figure 39.

Considerations

The number of credits required for each stage of the development are shown in Tables 19 and 20 of the BCAR. To ensure an improve or maintain outcome is achieved, the required credits for each stage should be retired before that stage of development commences..

2.14 Variations to the BCAM

The BCAR does not demonstrates the assessment is consistent with the BCAM for the proposed conservation lands. However, the area assessed for biodiversity certification has generally been assessed in accordance with BCAM.

Considerations

If the biodiversity certification order does not rely on the conservation lands calculations in the BCAR, there are not any substantive variations from the BCAM to consider.

2.15 Other requirements of the BCAM and TSC Act

For development lands to be biodiversity certified, the Secretary and the Minister (or delegate) will need to be satisfied in relation to certain matters outlined in the BCAM and Part 7AA of the TSC Act. These matters have been assessed by DCCEE and documented in Table 1.

Table 11: Consideration of requirements under BCAM

BCAM requirement	Consideration
The biodiversity certification strategy must be made by a person accredited under section 142B of the TSC Act.	Requirement met: A BCAM Accredited Assessor prepared the BCAR and biodiversity certification strategy as stated in the declaration on page ii of the BCAR.
Section 126K of the TSC Act states that biodiversity certification may only be conferred on land by the Minister if the applicant has a biodiversity certification strategy.	Requirement met: The biodiversity certification strategy is in chapter 5 of the BCAR.
Public exhibition of the application in accordance with s126N of the TSC Act.	Requirement met: The application was publicly exhibited 45 days between 2 May and 17 June 2022. A response to submissions report was prepared and submitted in November 2022. Further public exhibition of the application is not warranted as the amendments to the BCAR do not significantly alter the proposal compared to that publicly exhibited.
Section 2.4 of the BCAM states the Secretary must be satisfied that the feasibility of options to avoid impacts on red flag areas has been considered in the application, that the viability of biodiversity values in the red flag area is low or not viable, that the red flag area on land proposed for biodiversity certification makes a low contribution to regional biodiversity values. Under Section 6 of the BCAM, where a proposed conservation measure is used to protect land that is a red flag area the Secretary must be satisfied that the size of the buffer area is appropriate to mitigate any negative indirect impacts from development following the conferral of biodiversity certification.	Requirement met: The Secretary is satisfied as per his decision to approve the red flag variation request in May 2025.

BCAM requirement	Consideration
Section 3.3 of the BCAM states vegetation that has been recently disturbed or is regenerating after an event such as fire or flood, must be assessed on an equivalent site that is not disturbed in these ways. The equivalent, undisturbed site must be approved by the Secretary.	Not applicable: The assessment area does not contain any vegetation that has been recently disturbed or is regenerating after an event such as a fire or a flood that would require assessment as an equivalent undisturbed site.
Under Section 3.4 and 4.1 of the BCAM, The Secretary may certify that more appropriate local data can be used instead of the data in the Vegetation Types Database, Vegetation Benchmarks Database and the Threatened Species Profile Database.	Not applicable: The BCAR has been prepared using data in the Vegetation Types Database, Vegetation Benchmarks Database and the Threatened Species Profile Database.
Section 3.6.4 of the BCAM states that the change in site value is determined as the difference in the current site value score and the predicted future site value score. The future site value score is determined by increasing the current condition attribute scores by the extent of the predicted gain for the condition attribute, according to Table 2. Any increase to the extent of improvement set out in Table 2 is limited to the additional allowable increase in Appendix 4 and must be approved by the Secretary.	Not applicable: The BCAR does not propose an additional increase in the values scores for conservation measures.
Under Section 4.5 of the BCAM, an expert report prepared for the purposes of this section must be prepared in accordance with any guidance provided in the Biodiversity Certification Operational Manual.	Not applicable: An expert report has not been prepared a part of the proposal.
Under Section 6 of the BCAM, the application for biodiversity certification must address to the satisfaction of the Secretary, how the proposed ownership, management, zoning and development controls of the land proposed for biodiversity certification is intended to mitigate any indirect impacts on biodiversity values.	Requirement met: The BCAR demonstrates indirect impacts have been considered. Evidence required under section 2.2 of the BCAM, indicating the Secretary's satisfaction as to relevant matters for minimisation of indirect impacts, is in his decision to approve the red flag variation request in May 2025.

BCAM requirement	Consideration
Section 8.1.3 of the BCAM states that Planning instrument conservation measures are only available to be used to offset the impacts of the proposed biodiversity certification under certain conditions.	Not applicable: There are no planning instrument conservation measures proposed as part of the application for biodiversity certification.
Under Section 9.2 of the BCAM, conservation measures other than a Biodiversity Banking agreement under Part 7A of the TSC Act, the Secretary may give approval to vary the intensity of survey that is required to determine the number and type of biodiversity certification credits using the Biodiversity Banking Assessment Methodology.	Not applicable: There are no offsite conservation measures proposed as part of the application for biodiversity certification.
The Secretary may approve a variation of the offset rules set out in section 10.2 and 10.4 of the BCAM. Before varying the offset rules for using ecosystem credits or species credits, the Director General must be satisfied as to the matters set out in section 10.2.1 and 10.4.1 of the BCAM.	Variation to the offset rules is not supported.