

*Sustain. Invest. Protect.***A new approach to
land management and
conservation in NSW**

Ecologically sustainable development

The draft Biodiversity Conservation (BC) Regulation provides further detail on the Biodiversity Assessment Method and how the Biodiversity Offsets Scheme will operate, including how serious and irreversible biodiversity impacts will be identified.

The Biodiversity Assessment Method

The Biodiversity Assessment Method (BAM) assesses the biodiversity value of land and calculates likely losses in biodiversity values resulting from clearing of native vegetation and habitat destruction. It also calculates likely gains in biodiversity values from conserving native vegetation and actively managing land for conservation as a stewardship site.

Biodiversity losses and gains calculated by the BAM are expressed as a biodiversity credit amount. The number and class of biodiversity credits required as an offset in a development consent must be retired for a development to proceed. Payment can also be made to the Biodiversity Conservation Trust to meet the offset requirement.

Accreditation to use the BAM

The BAM is a technical assessment tool that must be completed by a person who is accredited in applying the method and has appropriate ecological training and skills. A draft of the scheme that will be used to accredit persons to apply the BAM has been released for public consultation.

The Biodiversity Offsets Scheme

The Biodiversity Offsets Scheme will simplify assessment and improve biodiversity outcomes. It creates consistent biodiversity assessment requirements for development and offset (stewardship) sites. The Scheme will help to compensate for potential impacts on biodiversity from development.

Biodiversity Offsets Scheme Threshold

The Biodiversity Offsets Scheme Threshold establishes a risk-based approach to identifying developments that are likely to have a significant impact on biodiversity. The draft BC Regulation sets out a proposal for the Biodiversity Offsets Scheme Threshold which includes a Sensitive Biodiversity Land Values Map. The draft Map is included with the exhibition products.

Approvals under the Biodiversity Offsets Scheme

Once a BAM assessment has been carried out, the results will be set out in a Biodiversity Development Assessment Report (BDAR) which will be used to determine the appropriate offset obligation.

A consent authority can set an offset obligation that is higher or lower than that calculated by the BAM. For local development (that is, development that is not State Significant Development or State Significant Infrastructure), if a consent authority proposes reducing offset requirements, then it must publish reasons for this decision and seek the concurrence of the Chief Executive of the Office of Environment and Heritage before consent is granted.

For State Significant Development or State Significant Infrastructure, the Minister for Planning must consider the BDAR when setting an offset obligation.

The Offset Rules

The draft BC Regulation sets out Offset Rules that govern the type of biodiversity credits that can be used for offsetting. The proposed rules require that like-for-like offsets be found in the first instance, and allow matching to a broader suite of biodiversity under the variation rules if like-for-like offsets cannot be found.

The Offset Rules also govern how a biodiversity certification applicant or the Biodiversity Conservation Trust can meet an offset requirement.

Meeting an offset obligation

Developers or landholders will be able to meet their offset obligation by:

- » retiring biodiversity credits
- » funding a biodiversity action
- » making a payment to the Biodiversity Conservation Trust.

The draft BC Regulation also proposes to allow proponents of major mining projects to use ecological rehabilitation of their mine development site to contribute to meeting their offset obligation.

Considering serious and irreversible impacts

The draft BC Regulation includes principles for determining which impacts are 'serious and irreversible impacts on biodiversity values'. Guidance designed to assist in the application of these principles has been released for consultation. Local development and agricultural clearing cannot be approved if it is likely to have serious and irreversible impacts on biodiversity values.

Calculating credits at a biodiversity stewardship site

Offset sites will be secured for private land conservation under Biodiversity Stewardship Agreements (BSAs). These are voluntary agreements to permanently protect and manage land to deliver positive biodiversity outcomes.

The anticipated biodiversity improvements on a stewardship site will be calculated as biodiversity

credits using the BAM. A landowner can then either sell those credits or retire them to offset a development of their own.

Offsets payment calculator

The offsets payment calculator will determine how much a proponent must pay into the Biodiversity Conservation Fund to meet an offset obligation. The option to pay into the Biodiversity Conservation Fund is an alternative to retiring credits. The responsibility of finding an offset is then transferred to the Biodiversity Conservation Trust.

A proposed pricing model for the calculator has been released for public consultation. Further details are provided in the Offsets Payment Calculator and User Manual.

Biodiversity certification scheme

The *Biodiversity Conservation Act 2016 (BC Act)* establishes a scheme for the biodiversity certification of land which strengthens and improves the existing biodiversity certification framework. After land has been certified, development may proceed without the usual requirement for site by site assessment.

The BC Act allows the Minister for the Environment to declare some biodiversity certification applications by planning authorities as 'strategic', in accordance with criteria set out in the draft BC Regulation. Strategic biodiversity certification will provide opportunities to better protect important habitat and biodiversity corridors when land use strategies are being developed.

More information

Additional detail on the exhibited products, tools and Regulations are provided in the supplementary information and stakeholders may wish to consider these when making a submission.

Have your say

We want to hear from you about the proposed arrangements for the Biodiversity Offset Scheme and assessor accreditation scheme for the BAM. You can have your say online at <http://landmanagement.nsw.gov.au/haveyoursay/> or send your written submission to: Land Management and Biodiversity Conservation Reforms Office of Environment and Heritage PO Box A290 Sydney South NSW 1232. **Submissions close on 21 June 2017.**