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Developing or conserving on Country: LALC land with biodiversity values



Here's what you need to know to help you decide whether to conserve or develop land with biodiversity values. You may already own the land, have a land claim application in progress, or be thinking about future land claims.

This fact sheet will help you:

- Prioritise current and future land claims
- Understand what options and benefits may be available when you protect your land
- Understand the process and potential costs for building on land with biodiversity values.

Before making plans

It's important to understand the biodiversity values on your land before making plans.

Land with biodiversity values can be expensive to develop. The land may be better suited for conservation, particularly if there are opportunities to improve the biodiversity values and health of the land through management and restoration.

Land with relatively low biodiversity values is likely to be more suitable and less expensive to develop because biodiversity costs will be lower.

The role of the NSW Biodiversity Offsets Scheme

It's important to understand the role of the NSW Biodiversity Offsets Scheme (the Scheme) and how it works to protect and manage biodiversity from development impacts. The Scheme does two key things:

1. establishes a process to avoid, minimise and offset the impacts of development on biodiversity.
2. creates a market so that impacts on biodiversity are offset with gains on land where biodiversity is conserved and managed.

Developing on Country

If you would like to develop the land, the Scheme may apply.

Does the Scheme apply to your development?

It will depend on the location, type and scale of your development. Small sites that won't impact on biodiversity values nor have a significant impact on biodiversity won't trigger the Scheme.

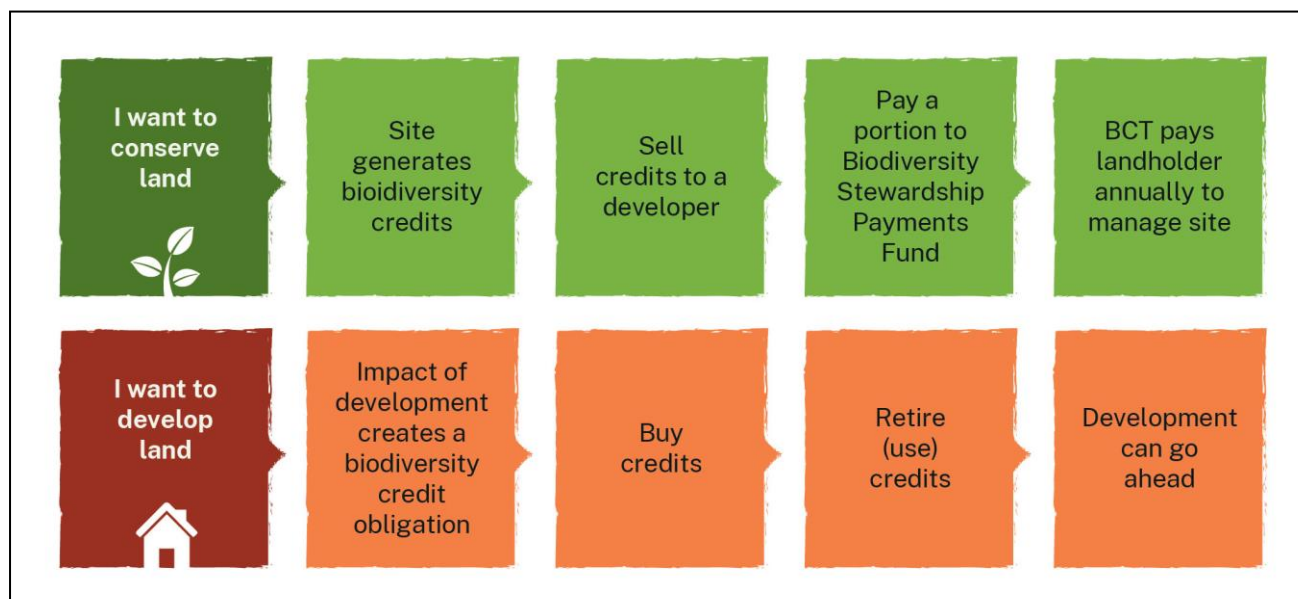
There are 3 possible triggers for the Scheme.

An accredited assessor can help to determine if any of the triggers apply. Or you can use our online tool to check if the Scheme applies to your proposal. Note that the tool only looks at 2 of the 3 possible triggers.

The tool allows you to draw around the 'footprint' of your development that includes all the land you are wanting to clear. The tool then generates a report stating whether the Scheme applies.

[Access the online tool.](#)

Figure : Developing or conserving on Country - steps to the final assessment report



Getting expert help

If the Scheme does apply, you need to engage an accredited assessor.

An accredited assessor is an ecologist with the appropriate qualifications and experience to carry out the assessment

A list of accredited assessors is available online (See Resources).

The cost of assessing the site is additional to costs that may be required to offset the impacts of the development. There is no set rate for site assessment as all sites are different. Your assessor will give you an estimate before work begins.

The process

Figure 1 illustrates the steps leading to the final assessment report for developing or conserving on Country.

For developing on Country, the final report is submitted to the decision-maker with the final development application. The decision-maker, usually Council or the Department of Planning & Environment,

will decide whether or not development is approved.

First, the assessor carries out field surveys to understand what biodiversity values are on your site and to consider the potential impacts of your proposed development.

The assessor works with you to consider how the location and design of your development can avoid and minimise impacts on any important biodiversity values.

Impacts on the land that can't be avoided need to be offset by retiring biodiversity credits. The assessor report sets out the number and type of biodiversity credits needed to offset the impacts.

The assessor can help you identify potential offset options for your project. These options could include buying credits on the market, retiring credits generated on your own conservation lands or paying into the Biodiversity Stewardship Payments Fund (the Fund). This fund is managed by the Biodiversity Conservation Trust (the Trust).

Conserving on Country

If your land has biodiversity values, you may be able to conserve and manage the land under a voluntary Biodiversity Stewardship Agreement with the Trust.

The agreement is permanent and restricts what can be done on the land. It can also be used to offset the impacts of development elsewhere.

Note: current Biodiversity Stewardship Agreements allow traditional cultural activities, such as cultural fire management, to continue.

If the land isn't suitable for a Biodiversity Stewardship Agreement and you still want to conserve your land, the Trust can help to investigate other options.

Getting expert help

To apply for a Biodiversity Stewardship Agreement, you need an accredited assessor to assess your land to see if it is suitable for a Biodiversity Stewardship Site.

A list of accredited assessors is available online (see Resources).

The process

A Biodiversity Stewardship Agreement allows you to generate biodiversity credits. You can sell these credits to developers who need to buy credits to offset their development at other sites.

Or you can use these credits to offset your impact on another site you are developing.

You may wish to have an assessor undertake a Feasibility Assessment and/or Business Case before undertaking a full assessment for a Biodiversity Stewardship Agreement. This provides information about how many credits are likely to be generated, the potential costs of management and if there is a market for selling the credits.

For the full assessment, the assessor prepares a report and calculates the number of credits the land will generate. The number of credits is based on the management actions you need to carry out to improve the biodiversity values of the site.

The assessor will also develop a Management Plan with you. This plan

identifies the management actions, timing and costs required. The value of the management actions for the agreement is calculated and is called the total fund deposit

When you sell biodiversity credits, the sale proceeds are put into the Biodiversity Stewardship Payments Fund (the Fund) up to the value of the total fund deposit. The Fund is managed by the Biodiversity Conservation Trust.

When the total fund deposit has been fully paid into the Fund, the Trust then starts making annual payments to cover the cost of managing the site. The value of the annual payments are set out in the site management plan.

Once the total fund deposit has been paid in full, any further earnings from the sale of biodiversity credits are paid directly to you. This money can be used to cover the costs of establishing the Biodiversity Stewardship Agreement and may include a profit margin.

The Trust conducts annual site inspections and provides you with technical support to make sure the land is being managed in accordance with the terms of the Biodiversity Stewardship Agreement.

Key terms

- **Offset:** An offset is used to balance impacts to biodiversity by buying credits or making a payment into the Fund or carrying out other conservation actions. Offsets are only considered once actions to avoid and minimise impacts have been taken.
- **Biodiversity credits:** Biodiversity values are measured, calculated and

expressed as biodiversity credits. Biodiversity credits can be bought and sold on the market. Once a credit is used or 'retired' it can't be re-used, and the land can't be cleared in the future.

- **Biodiversity Stewardship Agreement:** A Biodiversity Stewardship Agreement is a commitment to permanently protect and receive ongoing funding to manage an area of land, to improve its biodiversity values.
- **Conserved land:** Land that is set aside for protection, and where management measures are carried out subject to some formal agreement or commitment. A Biodiversity Stewardship Agreement is an example of Conserved Land.
- **Developed land:** Includes any land subject to building or clearing. This includes any ancillary development such as driveways and fences.
- **Decision-maker:** Here the decision-maker is the one considering the development application. In most cases this will be the local council.
- **The Fund:** The Biodiversity Stewardship Payments Fund.
- **The Trust:** The Biodiversity Conservation Trust

Resources

[The Biodiversity Offsets Scheme](#)

[Interactive video – What is the Biodiversity Offsets Scheme?](#)

[Interactive video – How to use the online tool to check if the Scheme applies?](#)

[List of accredited assessors](#)

Information about Biodiversity

Stewardship sites

[Apply for an agreement to generate credits](#)

[Biodiversity Stewardship Agreement](#)

[Landholder Guide](#)

[Biodiversity Stewardship Agreement](#)

[process infographic](#)

General Biodiversity Conservation Trust

Resources

[Landholder resources](#)

[Business case](#)

[Feasibility assessment](#)