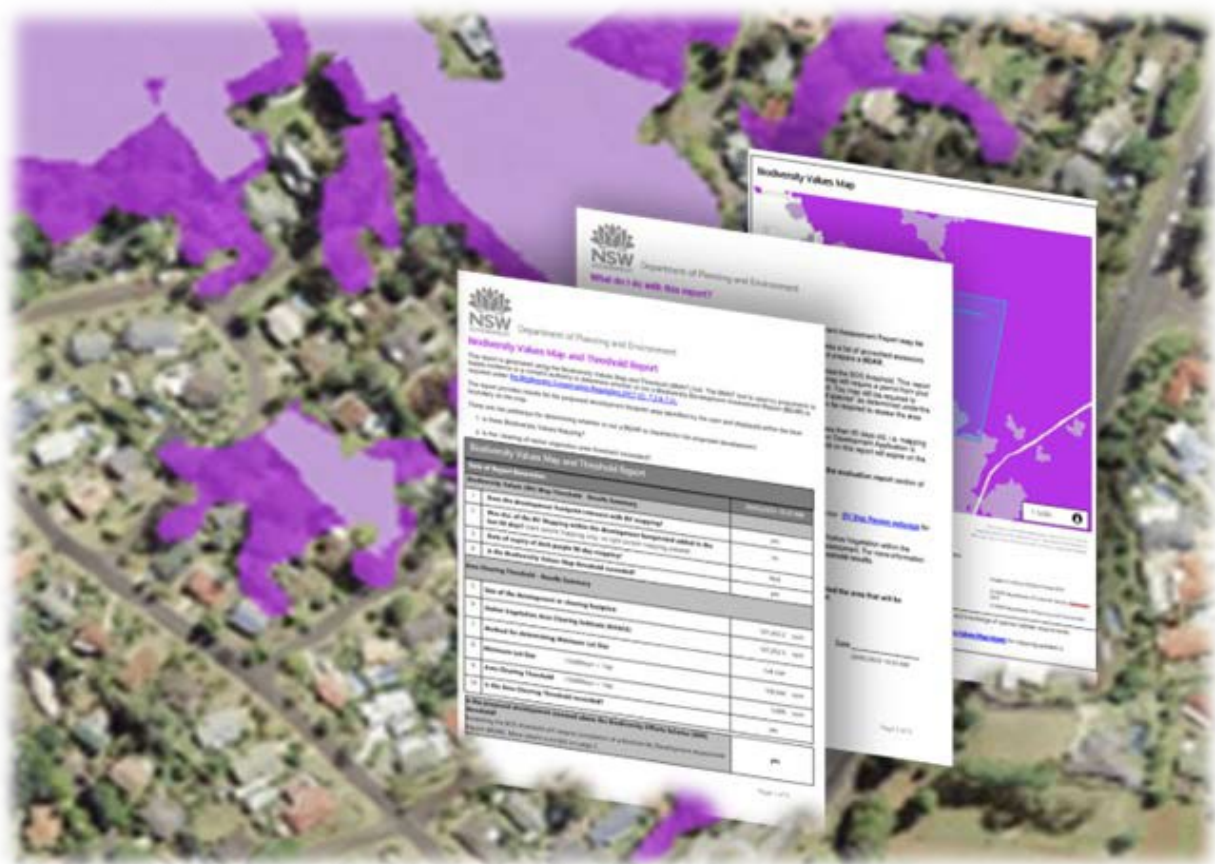


# The role of the Biodiversity Values Map

## Guidance for Councils



The Biodiversity Values map forms part of the Biodiversity Offsets Scheme and is one of the thresholds for determining whether the Biodiversity Offsets Scheme applies to a clearing or development proposal. The Biodiversity Values map identifies land with high biodiversity value, such as threatened species habitat, riparian vegetation and other values sensitive to impacts from development.

# About the biodiversity values map

Landowners and Councils can query the [Biodiversity Values Map online](#), using the identify tool, to find out the underlying land type or biodiversity value represented by the mapping e.g. riparian land, old growth, rainforest, threatened species or communities with potential for serious and irreversible impacts.

If landowners, their nominated agents or Council wish to find out further information about a mapped value – they can apply to the Map Review Team for a free explanation report which provides information about the different data layers, including detailed maps and the basis for inclusion of the entity on the Biodiversity Values Map.

Information about the types of land (criteria) which may form part of the Biodiversity Values Map can be viewed on our [webpage](#) or further detail is available in our [Types of land on the Biodiversity Values Map publication](#).

## When to undertake a review of the biodiversity values map

A review of the Biodiversity Values map **should only be considered** if there are genuine errors with the mapping within the proposed development footprint area. In these circumstances, landowners or their nominated agents can apply for a review of the Biodiversity Values map and provide evidence to support the review. Prior to applying for a map review it is recommended that the landowner applies for a Category Explanation Report. This report provides some information on the types of evidence that may support changes to a review of the Biodiversity Values map. Obvious errors for example a parking lot mapped as having biodiversity values, should not require further assessment under the Biodiversity Offset Scheme as development would not involve clearing of native vegetation and would not have a prescribed impact and therefore should not require a map review.

**Landowners should not be advised by Council to seek a map review without Council first determining if the Biodiversity Values map applies to a development. In some cases, the Biodiversity Values map will not apply to a development.**

If a free explanation report or map review is considered appropriate contact the Map Review Team via the online enquiry form:

[Your map enquiry](#)

## When the biodiversity values map does not apply

There are powers Council can use to determine if the Biodiversity Values map does or doesn't apply to a development. Circumstances where the Biodiversity Values map does not

apply and would not require further assessment under the Biodiversity Offset Scheme might include:

- if the area proposed to be cleared/developed is not mapped on the Biodiversity Values map, i.e. parts of the property are mapped, but the actual development footprint is outside the mapped area;
- if the actual development footprint area proposed to be cleared/developed is on the Biodiversity Values map, but does not involve clearing native vegetation (including groundcover, trees and understorey plants) and does not have a prescribed impact, as set out in clause 6.1 of the Biodiversity Conservation Regulation 2017, within the mapped area;
- if the actual development footprint area proposed to be cleared/developed is mapped on the Biodiversity Values map but, the proposed development will occur within an Asset Protection Zone approved as part of an active previous development consent and the approved Asset Protection Zone allowed for complete removal of the vegetation;
- if the actual development footprint area proposed to be cleared/developed is mapped on the Biodiversity Values map but clearing is already authorised and is consistent with an active development consent.

**Note: the entry to the Biodiversity Offset Scheme may still be required for other reasons such as exceeding the area threshold or having a significant effect on threatened species.**

## In some circumstances the Biodiversity Values map threshold will not apply to development if the lot is the result of an approved subdivision

Clause 7.3(4) of the BC Regulation provides that a proposed development (other than subdivision) does not exceed the Biodiversity Offset Scheme threshold merely because of the biodiversity values map if carried out on a lot that was the result of a subdivision carried out before the commencement of the *Biodiversity Conservation Act 2016* on 25 August 2017 within land zoned R1 to R4, RU5, B1 to B8 or IN1 to IN3.

However, the biodiversity offsets scheme may be activated for other reasons - see ***The Biodiversity Offset Scheme may still be activated*** below.

Clause 7.3(4) of the BC Regulation applies when subdivision approval was granted on land within the nominated zones and the purpose of the approved subdivision is not yet realised. For example, the clause applies if a subdivision was approved to create residential lots and the dwellings on those lots are not yet developed.

If the purpose of the subdivision is realised, this clause won't apply. For example, if a dwelling has already been developed, the clause will not apply to a development application

for a secondary dwelling or other ancillary use. Councils need to confirm if a subdivision approval is granted in a relevant zone and the purpose of the subdivision is not yet realised.

Councils also need to confirm that a proposed development is consistent with the purpose of the approved and unrealised subdivision.

Such development must still consider if a biodiversity development assessment report is required because it exceeds the area clearing threshold, occurs in an area of outstanding biodiversity value, or is likely to significantly affect threatened species or ecological communities, or their habitats, based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*.

## The Biodiversity Offset Scheme may still be activated

The Biodiversity Values Map is only one of three thresholds into the BOS. Development must still consider:

- whether a biodiversity development assessment report is required because it exceeds the area clearing threshold,
- occurs in an area of outstanding biodiversity value, or
- it is likely to significantly affect threatened species or ecological communities, or their habitats, based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*.

### Where to get help:

For more information about the Biodiversity Values map, accessing the map viewer or applying for a free map review, please visit [The Biodiversity Offsets Scheme webpage](#).

If you would like more information about whether or not the Biodiversity Values Mapping impacts a development proposal contact the Map Review Team at: [map.review@environment.nsw.gov.au](mailto:map.review@environment.nsw.gov.au) or call us on **1800 001 490**.