

Understanding the role of the Biodiversity Values Map

Guidance for Councils



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

Information about the Biodiversity Values Map

Landowners and Councils can query the [BV Map online](#), using the identify tool, to find out the reason why an area is mapped e.g. riparian land, old growth or rainforest or 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 BV Map.

Information about the types of land (criteria) which may form part of the BV 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 BV Map **should only be considered** if there are genuine errors with the BV mapping within the proposed development footprint area. In these circumstances, landowners or their nominated agents can [apply](#) for a map review of the BV Map and provide evidence to support a 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 the BV map in a Map Review. Obvious errors for example a parking lot mapped as having biodiversity values, should not require further assessment under the BOS 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 BV map applies to a development. In some cases, the BV map will not apply to a development.

When the BV Map does not apply

There are powers Council can use to determine if the BV Map does or doesn't apply to a development. In some circumstances, **the BV Map does not apply and would not require further assessment under the BOS.**

This might include:

- if the area proposed to be cleared/developed is not mapped on the BV Map, i.e. parts of the property are mapped on the BV Map, but the actual development footprint is outside the mapped area;
- if the area proposed to be cleared/developed is on the BV 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 \(BC Regulation\)](#), within the mapped area;
- if the area proposed to be cleared/developed is mapped on the BV Map but the proposed development will occur within an APZ that was approved as part of an active previous development consent and the approved APZ allowed for complete removal of the vegetation;
- if the area proposed to be cleared/developed is mapped on the BV Map but clearing is already authorised and is consistent with an active development consent.

Note: the entry to the BOS 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 BV 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 BOS 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* (BC Act) 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 BOS 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. The council also needs 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 BOS may still be activated

The BV 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 BV Mapping impacts a development proposal contact the Map Review Team at map.review@environment.nsw.gov.au or call us on **1800 001 490**.