



NEW SOUTH WALES
ABORIGINAL LAND COUNCIL

www.alc.org.au

Guide to

BioBanking

for Aboriginal Landowners

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1 An introduction to this Guide

This BioBanking Guide (the **Guide**) will assist Aboriginal peoples and communities who are landowners to understand the potential benefits and risks associated with participating in the BioBanking Scheme.

The Guide has been written specifically for Local Aboriginal Land Councils (**LALCs**) within NSW.

Please note: While all care has been taken in the preparation of this Guide, it is not a substitute for legal, financial and property advice in individual cases. Aboriginal communities and the land they own are diverse and as a result not all issues identified within the Guide will be relevant to everyone. The information provided is current as of May 2011.

This Guide provides information on:

- What BioBanking is;
- How the BioBanking Scheme works;
- LALCs participating in the BioBanking Scheme;
- Legislative and tax implications; and
- Alternative environmentally sustainable land use options.



2 What is biodiversity?

Biodiversity is the life that surrounds us and provides our social and cultural context. Biodiversity is a defining part of personal and community identity, especially for Aboriginal peoples and communities, who have specific connections and inherent rights over land and waters.

Biodiversity is the variety of all life forms on earth – the different plants, animals and micro-organisms and the ecosystems of which they are a part. Biodiversity can be assessed at three levels: the genetic diversity, the species diversity and ecosystem diversity. These three levels combine to create the complexity of life on Earth.

Biodiversity is fundamental to Aboriginal physical, social, cultural, spiritual and economic wellbeing and also has its own intrinsic worth. Healthy ecosystems are critical to the wellbeing of current and future generations.

2.1 Why is biodiversity important to Aboriginal peoples?

The natural environment has special significance for Aboriginal peoples. Aboriginal peoples and their Country (lands and waters) are interconnected by the spiritual significance of natural landscapes. In particular:

- Connection and re-connection with Country is an important part of Aboriginal culture;
- Aboriginal identity and the physical, cultural, and spiritual wellbeing of Aboriginal peoples is strongly linked to the health of the land, and the ability of Aboriginal peoples to access the land;
- Access to Country and its resources are essential for Aboriginal peoples to continue important cultural practices;
- Without biodiversity many of the important traditions (e.g. fishing, hunting, and gathering) will be lost. This has been clearly seen since European settlement in both urban and agricultural areas, where displacement has occurred and the biodiversity has been significantly impacted.

Today, under the *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) LALCs are the primary means by which the stewardship of Country is being maintained and promoted. LALCs are required to improve, protect and foster the best interests of all Aboriginal peoples in their areas.

2.2 Biodiversity conservation and BioBanking

The Office of Environment and Heritage (**OEH**) BioBanking Scheme is a way in which LALCs can conserve existing biodiversity and protect the threatened animals, plants and ecosystems within their land. As described in **Section 3**, BioBanking aims to assist in the conservation of natural environments and biodiversity in NSW through protection and rehabilitation.





3 What is BioBanking?

3.1 A general overview

BioBanking is a voluntary scheme established by the NSW State Government in 2008 to protect biodiversity within NSW. The BioBanking Scheme (formally known as the Biodiversity Banking and Offsets Scheme) is a market-based program designed to give landowners an economic benefit in return for conserving the biodiversity on their land, while also providing potential for landowners to develop their land in an environmentally sustainable way.

BioBanking aims to make up for biodiversity losses resulting from activities such as urban development. The fundamental idea behind BioBanking is that all development should either “improve or maintain” biodiversity values. Under the BioBanking Scheme, land can only be cleared for development by offsetting the lost biodiversity through protecting and improving biodiversity somewhere else.

The BioBanking Scheme works by assigning “credits” to a piece of land which represents the value of the biodiversity present on that land. If the landowner then wants to develop and/or clear their land, they would have to buy from someone else the amount of corresponding credits that would be lost from their site as an offset to the development. This provides an alternate process from the normal development application channels, such as the threatened species assessment of significance process which includes preparing species impact statements.

Alternatively, the landowner may want to conserve the biodiversity present on their site. In this case, their land is assigned a number of “credits” which will vary depending upon the condition of their site and the potential for it to improve. They could then sell their credits to a developer. Once used by a developer, the credits cannot be re-used and the land to which the credits belong **cannot be cleared in the future**. The money generated from the sale of the credits is paid to the landowner as both profit and as a source of income to maintain and improve the biodiversity present on their land.

Participation in the Scheme is optional. However, once entered into, a BioBanking Agreement lasts in perpetuity and cannot be revoked. The Scheme is enacted under the *Threatened Species Conservation Act 1995* (NSW) (**TSC Act**) and can be used as an alternative pathway to the development assessment requirements under parts of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**), for instance Parts 4 and 5.

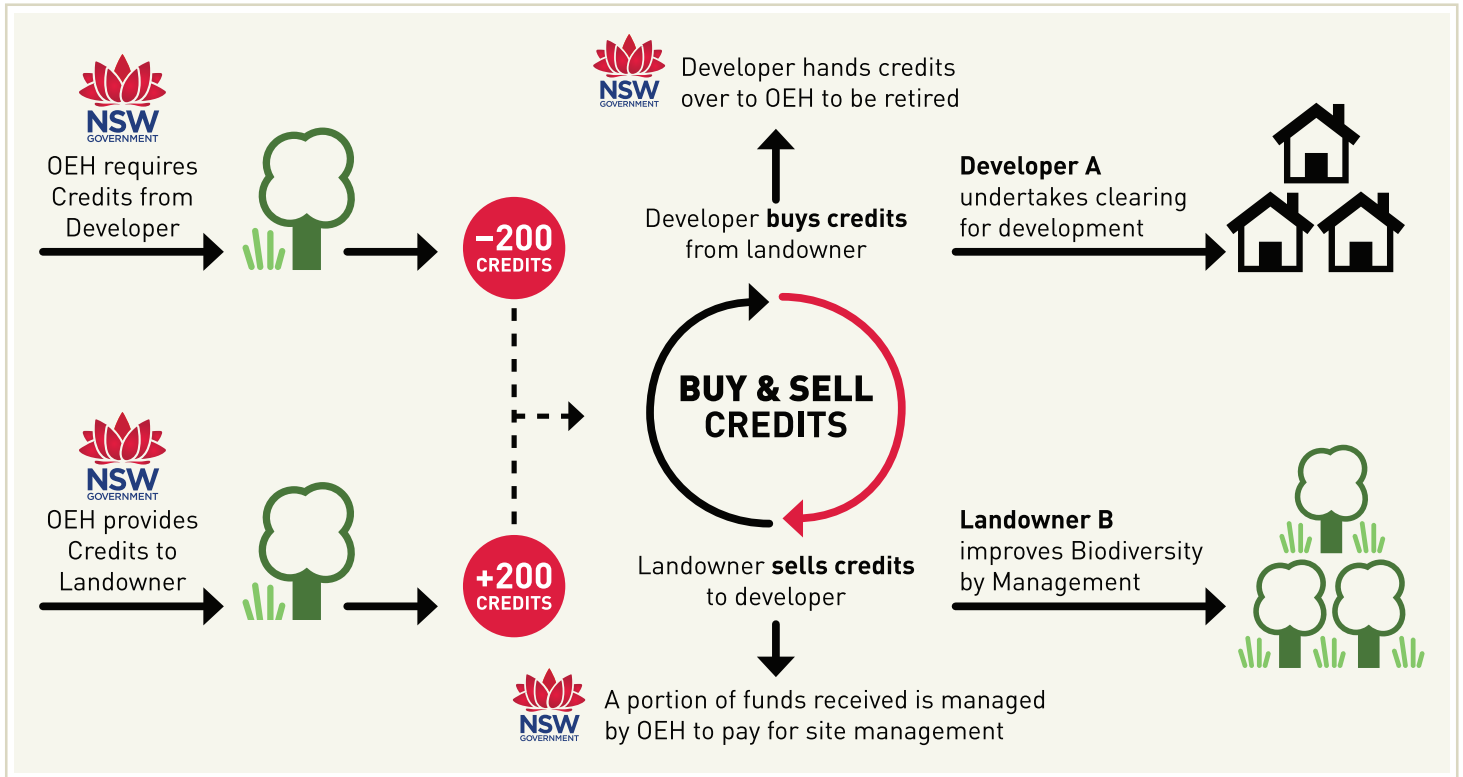
For example:

Consider two individuals (Developer A and Landowner B). Developer A owns 50 hectares of land which under the BioBanking Scheme is worth 200 biodiversity credits and wants to develop all 50 hectares. The developer has obtained a BioBanking Statement and must meet the “improve or maintain” test for biodiversity values. To clear the 50 hectares Developer A would be required to buy 200 credits from other landowners. The developer searches the OEH online BioBanking public register (www.environment.nsw.gov.au/bimspr/index.htm) to identify landowners who hold and are willing to sell their credits, and finds Landowner B.

Landowner B owns 200 hectares of land worth 200 biodiversity credits. The slope and geology of the land makes it unsuited to development. Landowner B decides that participating in the BioBanking Scheme will give the greatest economic return for the land whilst also protecting and conserving the biodiversity values. As there is some demand for the biodiversity credits from developers, Landowner B then enters into a legally binding **BioBanking Agreement** with the Government which commits the owner to maintain or improve biodiversity values on the land **in perpetuity**.

Developer A and Landowner B can then negotiate with each other to agree the appropriate price for the 200 credits (the actual area of land required to make up 200 credits will vary according to the condition of the land). As a minimum, the sale price per credit must be high enough to cover the cost of improving/maintaining the biodiversity values on Landowner B’s land. The credits bought by the Developer A are used to offset the loss in credits from the development by handing them over to the State Government (“retiring” the credits). Once the credits have been retired they cannot be reused.

BioBanking Scheme – Overview of buying and selling credits



The outcome of this system is that for every development that removes native vegetation, a portion of land with equivalent biodiversity value is locked away and protected against deterioration. By operating the system as an optional market-based supply and demand driven scheme it allows for both landowners and developers to only participate when it is in their economic interest.

LALCs may wish to consider participating in the Scheme both as developers looking to offset losses and as landowners looking to establish BioBank sites and preserve the natural values of their land in perpetuity. This Guide provides information for Aboriginal landowners, and LALCs in particular, regarding the BioBanking Scheme and the risks and benefits involved for landowners looking to establish a BioBank site.

It is important that Aboriginal landowners know that once a site has been BioBanked this status is an affectation of the land and is attached to the title of the land forever. Therefore, if you sell the land, the site remains BioBanked and it is the responsibility of the new owner to ensure that biodiversity values are maintained or improved into the future.

It is also important to recognise that while establishing a BioBank site does restrict land-uses which require clearing or anything that may harm biodiversity values, it does not necessarily prevent a range of alternative land uses that are consistent with the need to maintain or improve the sites biodiversity values (e.g. ecotourism). Activities (such as ecotourism) may be permissible if they are incorporated into management plans.

A more detailed description of how the BioBanking Scheme works and how LALC's can participate is provided in **Section 4** of this Guide. **Sections 5-10** provide more detail about specific issues LALCs should be aware of before joining the BioBanking Scheme.





3.2 What's in it for me?

As a landowner there are a number of benefits that you may receive by establishing a BioBank site on your property.

It is considered that the **environmental** gain associated with the Scheme is the most significant benefit that landowners will receive. If a LALC or a landowner has a specific interest in the preservation and protection of biodiversity, BioBanking may provide a way for these conservation aims and objectives to be met. Conversely if a LALC or Aboriginal landowner does not have a specific interest in conserving the land, BioBanking may not be the most sustainable land use option available. It is important for LALCs to understand the zoning of their land and what use that zoning permits.

When considering BioBanking, LALCs should also take into account the opportunities provided by BioBanking to not only protect the environment but also the possibility that **cultural sites** may be protected within the BioBank area in perpetuity. Although the BioBanking Scheme is not aimed at protecting Aboriginal culture and heritage, provisions could potentially be included within a BioBanking Agreement that may assist in the protection of an Aboriginal cultural site. BioBanking could potentially be used to protect larger areas either containing culture and heritage sites of significance to the community, or expanding the protected area around already protected places of significance.

It is important to note that although culture and heritage sites may be protected if they are situated within a BioBank site, restrictions may be placed on credits in relation to the cultural use of land. Although BioBanking does not explicitly prohibit activities, a BioBanking Agreement may specify restrictions. Biodiversity values could be affected by fishing, hunting and gathering, or even through conducting some cultural ceremonies. These activities may be restricted under a BioBanking Agreement.

In addition to the environmental and possible site conservation benefits, there could potentially be economic benefits. These benefits may be seen in direct profit from the selling of credits, or indirect benefits to LALC community members through increased employment as part of the environmental management measures established. Depending on the extent of management measures undertaken this may be a significant benefit to an Aboriginal community. It may also allow land that has been previously undevelopable (e.g. due to flooding risk) to generate an income. Economic benefits to LALCs from establishing a BioBank site include:

- Receiving annual funding for management actions to improve the site's biodiversity values into the future;
- The land can be retained for private management and ownership;
- Making a profit from the proceeds of selling the biodiversity credits;
- Using the BioBank site for low impact activities (e.g. cultural uses, eco-tourism, education) to generate further profits; and
- A range of tax exemptions and offsets for income and land relating to BioBanking (**Section 8**).

There are also a range of benefits for LALCs considering using BioBanking as a way of offsetting any environmental footprint associated with a development. Sustainable development is a significant issue for LALCs in regards to their land management responsibilities and it is recommended that all LALCs consult with the NSW Aboriginal Land Council (**NSWALC**) about the potential for participation in BioBanking when considering development options and land dealings.

With these benefits come corresponding responsibilities to maintain the land and associated costs, which are further explained in section 7.



4 How does BioBanking work?

To participate in BioBanking a LALC or landowner can act in three different roles:

- A **landowner** wishing to establish a BioBank Site;
- A **developer** wishing to offset environmental impacts associated with a development proposal; and
- A **trader** of biodiversity credits.

The primary focus of this Guide is to explain how BioBanking works for LALCs as landowners. However, some LALCs also have the potential to act as developers or traders depending on their financial and land ownership status.

All three of these roles are based on obtaining biodiversity credits.

4.1 How do you obtain biodiversity credits?

A LALC or any Aboriginal landowner may contract a qualified BioBanking Assessor (www.environment.nsw.gov.au/BioBanking/assessors.htm) to come out to their property and assess the area of land they think may be suitable for BioBanking.

The Assessor would use a specific assessment methodology prepared by OEH (the *BioBanking Assessment Methodology*) to identify the biodiversity values on site (for example identifying the presence of threatened species and threatened ecological communities). Based on the potential management measures available to improve the biodiversity of the site, the Assessor would then calculate the number of credits to be awarded using the BioBanking Credit Calculator.

The same process would be applied for an Aboriginal landowner looking to develop land, except that instead of awarding credits based on biodiversity improvement through management, the Assessor will calculate the number of credits to be purchased based on the loss of biodiversity through clearing.

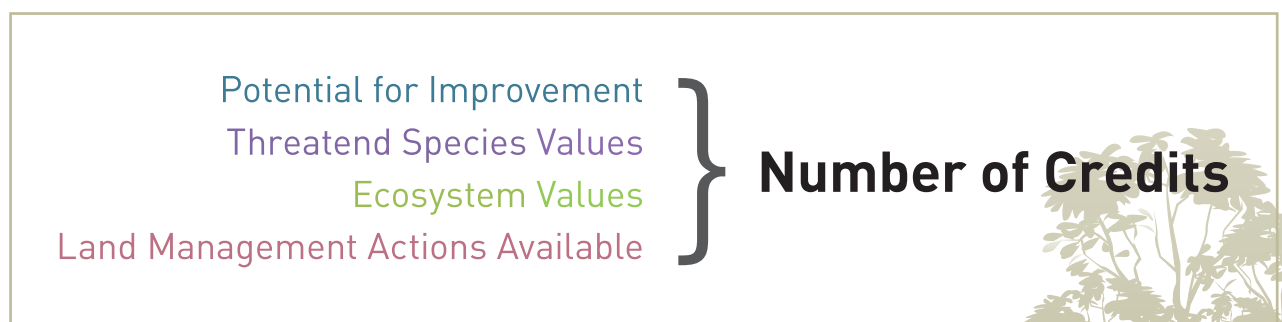
There are two types of credits that can be awarded/required under the Scheme:

- **Species Credits:** If the site contains certain threatened species it may receive additional credits depending on the population present. Some of the threatened species for which species credits may be awarded are listed at www.environment.nsw.gov.au/BioBanking/vegtypedatabase.htm; and
- **Ecosystems Credits:** The ecosystem credits are calculated based on the type of vegetation (plants) present on the site and the fauna (animal) species known or expected to be present based on geographic location and habitat types.

Importantly for both species and ecosystem credits, under the BioBanking Credit Calculator it is the change in the biodiversity values associated with the development/establishment of a BioBank site, rather than the existing biodiversity values that determine the number of credits associated with the land. **For a developer** it is the relative loss (before and after construction) of biodiversity that determines the number of credits they will need to offset their impacts. **For a landowner** it is the potential improvement in biodiversity values through long-term management that determines the number of credits that they would receive for a site.

The figure below summarises how the BioBanking Credit Calculator works for a landowner looking to establish a BioBank site.

A list of all credits issued and traded is maintained in the Biodiversity Credits Register on the OEH BioBanking website (see **Section 11** for contact details).





4.2 How do I establish a BioBank site?

4.2.1 Is the land eligible?

There are some prohibitions on land that can be BioBanked. Provided below is a list of criteria which may prevent an Aboriginal landowner from establishing a BioBank site:

- The land forms part of a National Park, nature reserve or similar, under the *National Parks and Wildlife Act 1974 (NP&W Act)*;
- The land is comprised of reserves protected under the *Forestry Act 1916*;
- The land is already used as a biodiversity offset under a property vegetation plan approved under the *Native Vegetation Act 2003*;
- The land already has ongoing biodiversity conservation measures as a condition of a development consent or approval;
- The land has past, present or proposed uses of the site or surrounding sites that are inconsistent with biodiversity conservation or will prevent management actions from being carried out or biodiversity gains from being achieved (e.g. the land has been seriously contaminated by chemicals); and
- The land contains less than 0.25 ha of native vegetation.

For further information regarding land eligibility, please contact NSWALC (see **Section 11** for contact details).

4.2.2 Is the landowner eligible?

There are conditions relating to the landowners responsibility for managing the BioBank land. Any landowner wishing to establish a BioBank site must pass a “fit and proper person” test. It is considered that most LALC landowners would pass the criteria. However, it is recommended that LALCs consult with OEH to confirm that they meet both the required land and owner criteria. The eligibility criterion takes into account issues of bankruptcy and insolvency which may affect some LALCs and individuals.

In addition to these general criteria, all LALCs wishing to establish a BioBank Site must:

- Ensure the proposal is consistent with their Community Land and Business Plan, and if it is not consistent follow the required process to update the Plan; and
- Address all requirements under the *Aboriginal Land Rights Act 1983 (ALRA)* and the Policy on the Assessment and Approval of Local Aboriginal Land Council Land Dealings (see **Section 6**), including obtaining NSWALC approval in advance of entering into any BioBanking Agreement. Further information and factsheets explaining land dealings requirements can be downloaded from www.alc.org.au.

4.2.3 Forming a BioBanking Agreement

In order to establish a BioBank site and to receive credits that can be sold, the landowner must enter into what is called a “**BioBanking Agreement**” with the Minister for the Environment. This Agreement will:

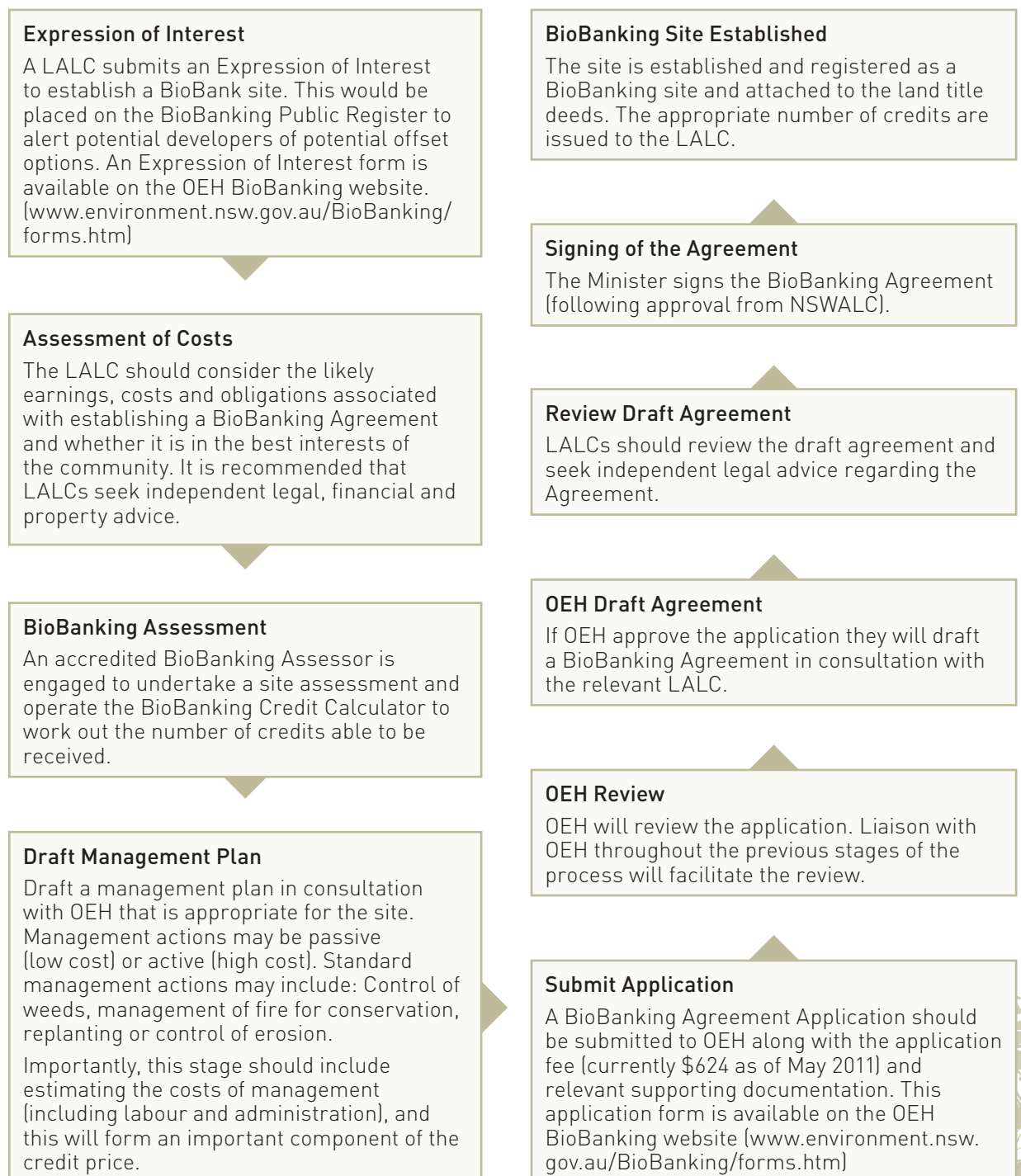
- Specify the land management actions to be undertaken on the BioBank site into the future;
- Specify the number and class of credits received for the site;
- Specify any reporting requirements required by OEH to show the appropriate management actions are being undertaken;
- Identify the land to which the Agreement relates as a BioBank site for the purposes of the Scheme; and
- Specify the financial conditions associated with entering the Agreement (the Total Fund Deposit and the payment schedule).



Once the Agreement is made, the site is BioBanked in perpetuity. As soon as the Agreement is established the landowner is required to undertake passive management actions (i.e. actions which do not cost anything). When 80% of the Total Fund Deposit is satisfied, active management actions are required. Given that this incorporates an element of cost, BioBanking Agreements are frequently not established until the landowner has found a buyer for their credits. How Aboriginal landowners can sell their credits is described in **Section 4.4**. The typical steps required to establish a BioBanking Agreement by a LALC are summarised in the following figure.

LALCs will also need to undertake processes required by the ALRA and the NSWALC Policy on the Assessment and Approval of LALC Land Dealings; this includes following the stages within the policy and being issued with a dealing approval certificate from NSWALC, prior to making an agreement.

BioBanking Process (excluding processes required under the ALRA) - LALCs will need to follow land dealing processes required under the ALRA prior to engaging in BioBanking.





4.3 How do I offset a development?

This guide is primarily focussed on assisting those landowners interested in conserving their biodiversity values through BioBanking rather than developers. If an Aboriginal landowner wishes to develop their land and use BioBanking to offset the development it is recommended that they contact NSWALC and discuss the processes involved.

In brief, a developer would need to obtain a **BioBanking Statement** from the Minister for the Environment. This statement would outline the number and class of credits that need to be purchased and retired, prior to the commencement of works, to offset the loss of credits associated with the development. Typically, the BioBanking Statement would be submitted along with a development application and become part of the 'conditions of consent' for the development. Clearing works cannot be undertaken until the developer has bought the required amount of credits and handed them over ("**retired**" them) to the government.

It should be noted that the BioBanking Assessment Methodology and calculator can still be used to identify biodiversity constraints on a site or to compare potential development options, even if the LALC does not wish to participate in a BioBanking offset arrangement.

4.4 How do I trade my credits?

Once a BioBank site has been established and the credits are issued, they can be bought or sold. Any individual (and bodies like LALCs) can purchase, sell or retire BioBanking credits. The price of credits will vary according to the particular site and according to the demand and supply of credits. The BioBanking Scheme effectively creates a trading market for biodiversity credits.

Individuals or organisations who are interested in conservation may buy credits from LALCs and then retire them (i.e. hand them over to the Minister for the Environment, preventing any further trading of the credits). However, the majority of credit trading is likely to be undertaken by:

- Developers looking to fulfil the obligations of a BioBanking Statement: The BioBanking Statements issued require developers to buy and retire credits.
- Landowners who entered into a BioBanking Agreement: Typically, they will sell the credits issued to them. When the first sale of credits occurs an amount specified within the BioBanking Agreement is deposited into the BioBanking Trust Fund (this is known as the Total Fund Deposit).

While it is anticipated that most LALCs would participate as landowners generating and selling credits, LALCs with sufficient funds may want to consider buying and retiring credits either as developers offsetting development impacts, or as conservationists looking to protect areas of importance. As a network of councils with substantial land holdings there is potential for LALCs to cooperate with each other to achieve significant biodiversity gains for NSW and for the Aboriginal community.

To test the credit demand landowners are recommended to use the OEH BioBanking website and register an Expression of Interest on the BioBanking Public Register to alert developers of the type of credits potentially available on their site. Alternatively, landowners may want to directly approach developers who are on the BioBanking Public Register. Once the two parties have come to an agreement and determined an appropriate price, the transfer of credits is officially done by submitting an Application to Transfer Biodiversity Credits form to OEH. This form and further assistance in the process is available on the OEH BioBanking website.



4.4.1 Who will want to buy my credits?

It is important to know that not all credits are equal in value. When a certified BioBanking Assessor comes to your land and assesses the biodiversity value of the site they will generate a “credit profile”. This profile describes the vegetation on the site in terms of:

- Catchment Management Authority (CMA) sub-region - The Catchment Management Subregion in which the LALC land lies;
- Vegetation type - The type of vegetation present on-site. There are approximately 1600 vegetation types within NSW;
- Vegetation formation - A broad level of vegetation classification which groups the vegetation types into 12 formations;
- Surrounding vegetation cover - Specifies the surrounding vegetation cover class in a 1000 ha assessment circle which the required credit must be obtained and retired;
- Patch size, including low condition - Specifies the patch size including low condition vegetation attribute which is the minimum class in which required credit must be obtained and retired.

The “credit profile” describes the credits attached to any BioBank site. Importantly, the BioBanking Statement issued to a developer will also set out the credit profile of the credits that must be purchased and retired.

This means that a developer may only be interested in purchasing your credits if the credit profile of your site is compatible with their credit profile. The credit profile does not have to be exactly the same but must meet a set of conditions, typically including:

- The number of credits obtained and retired is equal to the number of credits required at the development site;
- The CMA sub-region for the BioBank site is listed within the developers credit profile;
- The vegetation type is the same at both the BioBank site from which the credits are obtained and the development site. It is also possible for a developer to select ecosystem credits which have a different vegetation type (but same formation) if the alternative vegetation has been cleared to an equal or greater extent than the vegetation type at the development site and also has the same threatened species predicted to occur; and
- The vegetation formation is the same for both the BioBank site from which the credits are obtained and the development site.

This establishes a “like for like” system of offsets. Where there are threatened species present on the development site there are further criteria which must also be met which may decrease the number of potential offset locations based on the known distribution of the species (e.g. credits from different subregions or CMA areas may be permissible). The tight constraints on acceptable offsets are designed to ensure that all developments either improve or maintain the biodiversity values across the State.

4.4.2 How much will my credits sell for?

The price which can be obtained by LALCs or Aboriginal landowners wishing to sell their issued credits will vary according to the rarity of their credit profile and the demand for these credits by developers. As a minimum, the price of the credits should reflect the costs of undertaking the management requirements outlined in the BioBanking Agreement (**Section 4.2.3**) as well as covering the costs of establishing the BioBank site.

All costs identified should then be entered into the Biodiversity Credits Pricing Spreadsheet (www.environment.nsw.gov.au/BioBanking/landowners.htm). This spreadsheet will calculate the net present value of the BioBank site costs (i.e. the amount which needs to be invested to cover all future management requirements). This net present value is termed the “**Total Fund Deposit**” for the purposes of the BioBanking Scheme.



Because the BioBanking Scheme is intended to go on in perpetuity, rather than distributing the proceeds from the sale directly to the LALC landowner, following a sale of credits the relevant portion of the Total Fund Deposit is put into the Environment Trust managed **BioBanking Trust Fund**. Any amount above this Total Fund Deposit goes directly to the landowner. After 80% of the Total Trust Deposit is deposited into the BioBanking Trust Fund, the Fund will distribute enough money each year to the LALC to cover the annual management costs. This is an important part of the Scheme, as it means that if the landowner was to sell the block of land, the new landowner would receive the annual amount to allow the vegetation to be managed as the BioBanking Agreement is locked to the land title deed, not the owner.

In terms of money:

- The long-term cost of participating in the BioBanking Scheme to current and future landowners should be zero (i.e. the costs associated with managing and improving biodiversity values on-site is covered by the annual payments from the BioBanking Trust Fund to the landowner at the time). See **Section 4.6.2** for short-term and start up costs.
- The landowner should not sell the credits for less than the amount required to cover both the Total Fund Deposit and the one-off BioBanking Agreement costs.

If a landowner is able to sell the credits for an amount greater than that required to cover the costs, then the excess is direct profit to the landowner.

There are a number of conditions regarding payments to and from the BioBanking Trust Fund which LALCs should familiarise themselves with prior to entering into a BioBanking Agreement in consultation with OEH.

4.4.3 What trading has been done so far?

As of May 2011 five BioBanking Agreements have been entered into, all within the greater Sydney region.

Credits have traded at an average of \$2,563 to \$9,500 per credit. Given that participation in the scheme to date is limited, it is not known whether this value is likely to be representative of future trading values.

In addition, landowners across NSW have submitted expressions of interest in establishing BioBank sites for approximately 20,000 hectares of land. It is likely that some of this land will be traded in the near future.

4.5 What vegetation can be BioBanked?

The BioBanking Scheme is based around protecting all existing vegetation communities including both threatened and non-threatened communities. The OEH has established three databases for vegetation types and threatened species:

- Vegetation Type Database – A database which lists and describes approximately 1600 vegetation types present within NSW. For each vegetation type, the database includes an estimate of how much of the community has been cleared and its legal status.
- Vegetation Benchmarks Database – This database describes what is considered to be the natural condition of the different vegetation classes within the state. By knowing what typifies the natural condition, it is possible to estimate the how much potential there is for improvement/deterioration for a site through management/development.
- Threatened Species Profile Database – This database provides a detailed profile on each of the threatened species and populations within NSW. This is used to predict the occurrence of threatened species within the vegetation types.

All three databases are available on the OEH website (www.environment.nsw.gov.au/biobanking/vegtypedatabase.htm) and can be searched by LALCs or individuals to identify the type of biodiversity communities that may be present on land they own, how rare the communities are, what an undisturbed community may look like as well as the threatened species that may be present.



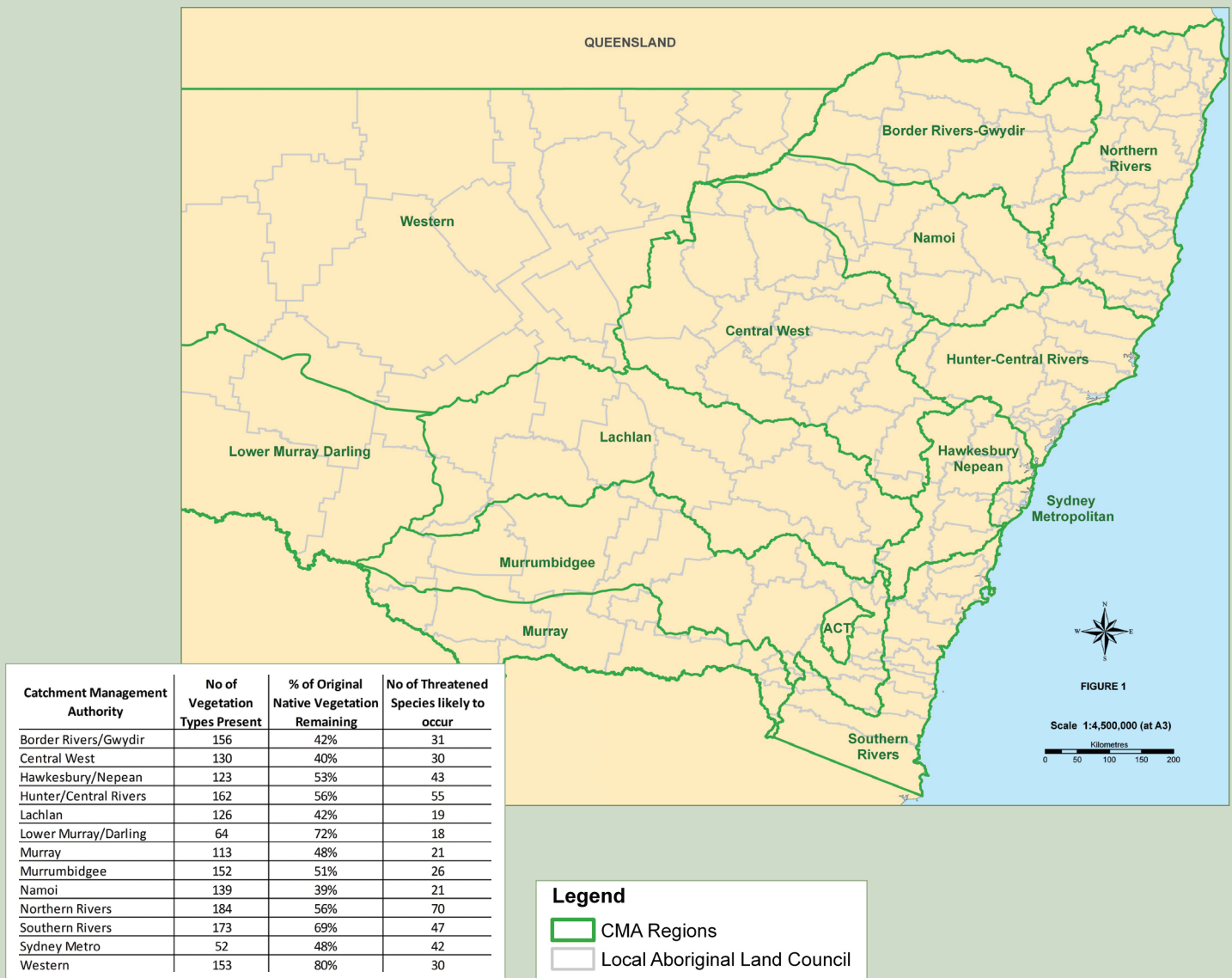
For those LALCs with an existing knowledge of the flora and fauna of their land this may be an important tool in assessing whether BioBanking is a good option for their site (e.g. if all the vegetation on their site is high quality in comparison to the relevant vegetation benchmark, then there will be little room for improvement through management and subsequently a site may only receive a low number of biodiversity credits).

The figure below indicates the relevant Catchment Management Authority areas for each LALC and the expected biodiversity within each area.

Landowners should be aware that while all eligible vegetation can be BioBanked, not all vegetation can be cleared for development under BioBanking. The areas that cannot be cleared (“Red Flag areas”) are typically very rare vegetation communities or habitat with highly endangered species. If a landowner has land which matches a red flagged credit profile there may be less demand for the landowner’s credits as developers are unable to clear such areas under the BioBanking Scheme.

A definition of red flag areas is provided in **Section 2.2** in the *BioBanking Assessment Methodology* (available on the OEH website).

Catchment Management Areas





4.6 Summary of BioBanking revenues and expenses

4.6.1 What revenues will I generate?

The revenues associated with BioBanking are shown in the table below.

Revenue	Source of Funds	Recipient	Description
First sale of credits	Developer	Aboriginal landowner & BioBanking Trust Fund	Revenue = Credit Price x No. of Credits. A large portion of this revenue (the Total Fund Deposit) will go directly into the OEH managed BioBanking Trust Fund. The remainder goes to the landowner as direct profit.
Secondary sale of credits	Investors	Aboriginal landowner	Aboriginal landowners may want to buy and sell credits without actually BioBanking any land. Similar to investors in the stock market, an investor can generate profit by buying when prices are low and selling when prices are high.
Annual distributions from the BioBanking Trust Fund	OEH	Aboriginal landowner	Each year the BioBanking Trust Fund will distribute funds to the landowners to cover the cost of the land management actions specified under the BioBanking Agreement. These payments are distributed out of the Total Fund Deposit generated from the sale of credits.
Additional distributions from the BioBanking Trust Fund	OEH	Aboriginal landowner	OEH will invest BioBanking Trust Fund monies and generate a return. When these returns are significantly positive (i.e. reaching 130% of the Total Fund Deposit) then they may be distributed to the LALC as bonus payments.

LALCs should be aware that the Total Fund Deposit placed into the BioBanking Trust Fund (**Section 4.4.2**) is invested conservatively by OEH's financial managers in an attempt to ensure that there are sufficient funds available to support the required land management actions in perpetuity. This money does not belong to the landowner and cannot be accessed outside of BioBanking purposes.

As the BioBanking Scheme is still very new there is limited data available as to the expected sale price of credits at this point in time (approximately \$2,500 to \$9,500 per credit is representative of existing sales). The price for credits will vary with the type and demand for credits and the location of the BioBanking site. Similarly the credits able to be generated will depend heavily on the quality of vegetation on the site and the potential for improvement. As such it is very hard to estimate the value of revenues likely to be received from participating in the BioBanking Scheme until an assessment of the site has been made and market at the time analysed.

4.6.2 What expenses will I face?

There are a range of expenses that landowners participating in the BioBanking Scheme will incur. The table below summarises the expected landowner costs.

Landowner Cost	Description
Preliminary review and BioBanking Site Assessment Costs	Before committing to a BioBanking Assessment it is recommended that a preliminary review of site suitability is undertaken. Such a review is likely to cost between \$1,000 and \$2,000. A certified BioBanking Assessor will need to be engaged to undertake the BioBanking Assessment. This will involve field work and operation of the BioBanking Credit Calculator. The costs will vary depending on the site size and complexity of the ecosystem (e.g. whether fauna trapping is required). Costs of around \$250 per hectare would be expected for this stage.
Establishing Draft Management Plan Costs	It is important that appropriate management plans and accurate estimates of management costs are formulated to ensure the landowner would receive enough money each year to cover their obligations. Unless the LALC has specialist land management skills this may be a process which requires engaging a consultant. Potential management plans required may include: <ul style="list-style-type: none"> • An integrated weed management plan • A fire management plan • A vertebrate pest management plan. Costs associated with development of the plans required will vary significantly with the complexity of the site and condition of the vegetation. Costs of at least \$10,000 would be expected for this stage.
NSWALC Land Dealings approval	An application for Land Dealings approval by NSWALC is \$250.
BioBanking Agreement Application Fee	Once all management plans and assessments have been completed the landowner can submit a BioBanking Agreement Application. As of May 2011 the fee for this is \$624 . The application fee is updated in August each year.
Ongoing Management Costs	Once a BioBanking Agreement has been signed the management requirements outlined in the Agreement are mandatory. Typical actions required to be undertaken include: <ul style="list-style-type: none"> • Weed removal • Control of feral animals • Fencing • Removal of rubbish • Fire breaks and ecological burns. The cost of these actions would have been estimated as part of the BioBanking Agreement to ensure sufficient funds are available in the BioBanking Trust Fund. Local Aboriginal businesses could be employed to undertake the work.
Annual Reporting Costs	A report detailing compliance to the BioBanking Agreement needs to be provided to OEH each year. As of May 2011 there is an annual reporting fee of \$1,144 . This fee is updated in August each year.
Other BioBanking fees	Other landowner BioBanking fees include: <ul style="list-style-type: none"> • Application fee for variation of a BioBanking Agreement (\$1,144) • Biodiversity credit transfer (\$104) • LPMA boundary recognition fee for BioBanked land • BioBanking Trust Management Fee (0.5% p.a.).
Other Associated Costs	<p>Annual Rates – Council rates and government charges apply to the land to be BioBanked. These amount should be included in other recurring costs of the Total Fund Deposit. Therefore they are paid for in the annual management payment. Land vested in NSWALC and LALCs under the ALRA is generally exempt from rates and charges levied under the <i>Local Government Act 1993</i> (NSW), pursuant to s43 of the ALRA.</p> <p>Insurance Costs – As some infrastructure is required (e.g. fencing), insurance policies may need to be altered to cover costs associated with infrastructure damage (e.g. fire damage). The cost of insurance should be included in the Total Fund Deposit.</p> <p>Administration Costs – The on-going operation of the BioBank site will incur administration costs to organise the undertaking of the management actions. The administration cost should be included in the Total Fund Deposit.</p> <p>Land Value Costs – It is difficult to assess the potential land value impacts associated with a BioBanking Agreement. It may increase or decrease values depending on the unique scenario of the land banked.</p>





It is important that all annual costs are incorporated into the agreed Total Fund Deposit and that the agreed sale price reflects the Total Fund Deposit as a minimum. The final credit price should also be priced to cover other one-off costs (e.g. BioBanking Agreement establishment costs, land values, stamp duty) as well as a satisfactory profit margin. OEH maintains a Biodiversity Credit Pricing Spreadsheet to aid landowners in estimating their overall costs.

Issues regarding taxation costs associated with the BioBanking Scheme are discussed in **Section 8**.

Participation in the BioBanking Scheme is legally binding. Non compliance with the scheme requirements may result in additional costs being incurred, or in the withholding of payments which may otherwise be due.



5 Who are the participants in BioBanking?

The key stakeholders for any parcel of land that is part of a BioBanking Agreement are:

- The relevant LALC;
- NSWALC;
- The Minister for the Environment; and
- OEH

The following sections outline the roles and responsibilities for each of these stakeholders under a BioBanking Agreement.

5.1 The stakeholders

5.1.1 LALCs and Aboriginal Landowners

Any LALC considering entering into a BioBanking Agreement has a responsibility to consult with the local Aboriginal community in order to come to an agreement on which areas of land should be managed for conservation under BioBanking.

Before entering into a BioBanking Agreement, a LALC must:

- Ensure the proposal is consistent with their Community Land and Business Plan; and
- Address all requirements under the ALRA.

By entering into a BioBanking Agreement, landowners have agreed to manage and conserve the natural values on their land in perpetuity. The Agreement is registered against the title of the land and outlines what owners must do to protect the site and improve its natural values.

The LALC must ensure that they complete a number of agreed management actions during the year. These actions are outlined in the Management Plans and actions developed as part of the BioBanking Agreement process. These plans and actions are approved by OEH as part of the BioBanking Agreement.

A LALC holding biodiversity credits can sell them to earn an income for the ongoing management of their land. A sum of money from the sale of credits goes into a managed fund that makes yearly payments to landowners. Any additional money will be paid to landowners up-front as profit.

At the end of each year and before the annual payment is made, a report needs to be sent to OEH, which should provide information on how and when the agreed management actions were carried out. Any alterations to management actions should also be listed in the annual report, along with all management undertaken throughout the year.

5.1.2 NSWALC

NSWALC is the approving body for a LALC to enter into a BioBanking Agreement. A LALC land dealing that requires approval is void and of no effect unless NSWALC approval is provided.

NSWALC has also prepared a number of resources relating to BioBanking and other sustainable land use options for LALCs and Aboriginal landowners as well as factsheets relating to land dealings. These are available on the NSWALC website – www.alc.org.au.

5.1.3 The Minister for the Environment

The BioBanking Agreement is a legal agreement between the landowner and the NSW Minister for the Environment. The Minister will not sign the Agreement unless satisfied that the landowner is eligible and able to undertake the proposed management actions and that they will improve or maintain the biodiversity values of the site.

5.1.4 OEH

OEH has primary responsibility for the development, implementation and evaluation of the BioBanking Scheme, which means monitoring and enforcing compliance at BioBank sites.





6 How does BioBanking work with other legislation?

6.1 BioBanking and *Aboriginal Land Rights Act 1983 (ALRA)*

In the ALRA, BioBanking Agreements are included within the definition of “land dealings” or “dealing with land”. This means that all the legislative processes applicable to “land dealings” are applicable to BioBanking Agreements. For example, any BioBanking Agreements proposed by a LALC, must be approved by NSWALC prior to entering into an Agreement.

LALCs are required to improve, protect and foster the best interests of all Aboriginal people in the area. Depending on the individual characteristics of the land, BioBanking may or may not be considered the best use of the land for the community.

6.2 BioBanking and other legislation

The interactions between the BioBanking Scheme and other selected legislative instruments are summarised in **Table 6.1**.

Name of Act	Interaction Details
<i>Threatened Species Conservation Act 1995 (NSW)</i>	The BioBanking Scheme is administered by OEH under Part 7A of the TSC Act.
<i>Native Title Act 1993 (Cth)</i>	An Aboriginal Land Council must not deal with land vested in it subject to native title rights and interests under sections 36(9) or 36(9A) of the ALRA unless the land is the subject of an approved determination of native title as defined by the <i>Native Title Act</i> .
<i>National Parks and Wildlife Act 1974 (NSW)</i>	Under s42A of the ALRA, an Aboriginal Land Council must not deal with land that is vested in it and that is reserved or dedicated under Part 4A of the NP&W Act, except in accordance with that Act.
<i>Native Vegetation Act 2003 (NSW)</i>	Clearing which cannot be carried out except in accordance with development consent or a property vegetation plan under the <i>Native Vegetation Act 2003</i> , cannot obtain a BioBanking statement under Part 7A of the TSC Act. This prevents any overlap between the Scheme established for native vegetation clearing under the <i>Native Vegetation Act</i> , and the BioBanking Scheme established under the TSC Act.
<i>Fisheries Management Act 1994 (NSW)</i>	Fish species or marine vegetation within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> are not assessed under the BioBanking Assessment Methodology, unless the fish species or marine vegetation have been the subject of an order under section 5A of the TSC Act.
<i>Environmental Planning and Assessment Act 1979 (NSW)</i>	Pursuant to sections 127ZO and 127ZP of the TSC Act, in respect to a BioBanking Statement for a development or activities which fall under Part 4 or 5 of the EP&A Act, the development is taken, for the purposes of those parts, to be development which is not likely to significantly impact any threatened species. If a BioBanking Statement has been issued, the determining authority is not required to consider the effect of the development or activity on biodiversity values. The local council will be responsible for imposing the conditions set out in the BioBanking Statement as part of the development consent conditions. Further, under s127K of the TSC Act, management actions taken pursuant to a BioBanking Agreement are exempt development for the purposes of the EP&A Act.
<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>	The BioBanking Assessment Methodology (a transparent, consistent and scientifically-based set of rules to assess biodiversity values) covers most species listed under the EPBC Act.

Table 6.1: Summary of Interactions between the BioBanking Scheme and Legislative Instruments.



7 What are the potential risks?

It is very important that LALCs are aware of the potential risks associated with utilising BioBanking. The risks can be the same whether a small or large land dealing is proposed. Consequently, it is important that LALCs are aware of these risks and put safeguards in place to manage them. It is also important to note that the risks for LALCs may not be limited to the ones identified within the Guide. Seeking independent legal, financial and property advice is therefore very important.

7.1 The key risks

All LALCs should recognise that a BioBanking Agreement is placed onto the land title of the relevant property and is **legally binding on all landowners (current and future) in perpetuity**. Once an Agreement has been signed, the landowner will not be able to clear or develop the land to which it applies, or carry out actions on the land other than ones that are identified in the BioBanking Agreement. As it is associated with the land title, future owners would not be able to clear or develop it either. Depending on the type of BioBank land, this may lead to a drop in land value should the LALC wish to sell or lease/rent the area.

BioBanking also affects land rights because a **breach of the agreement may affect ownership of the land**. In the event of serious mismanagement of a BioBank site there are a range of legal actions which may be taken against the landowner. This includes the possibility that the Minister for the Environment may apply to the Land and Environment Court for ownership of BioBank land to be transferred to the government, or another person or body nominated by the Minister. The circumstances under which this could occur are restricted to the circumstances listed in s127O(3) of the TSC Act, and would require persistent and significant failures to comply with the BioBanking Agreement by the landowner.

While BioBanking Agreements are held in perpetuity, Part 7A of the TSC Act includes provision for the Minister for the Environment to vary or terminate a BioBanking Agreement without consent from the LALC in certain situations. This provision applies with regard to major public works or mining proposals (e.g. if a public authority needed to build a major public road through a BioBank site). The Minister must give the LALC written notice of the proposed variation or termination and an opportunity to make submissions.

If the BioBanking Agreement is varied or terminated, the land affected by the development would be compulsorily acquired and the standard compensation levels under the *Land Acquisition (Just Terms Compensation) Act 1991* would be received by the LALC.

When considering this risk, LALCs should be aware that the risk of compulsory acquisition exists for all land, whether BioBanked or not and irrespective of who the owner of land is. However, s42B of the ALRA provides an additional layer of protection for land vested in LALCs, in that such land can only be “appropriated or resumed” by a separate Act of Parliament.

The TSC Act does not expressly refer to s42B of the ALRA when talking about appropriation or resumption, and therefore it is not clear whether any acquisition under the TSC Act can proceed as of right or whether acquisition under the TSC Act can only go ahead subject to s42B of the ALRA (i.e. whether a further Act of Parliament in addition to the TSC Act authorising the acquisition is necessary for the acquisition to proceed).

However, for any landowner the greatest risk associated with the Scheme is the potential for a landowner to establish a BioBank site without first considering the appropriateness (financially, culturally and environmentally) of doing so and understanding the BioBanking process. Once a BioBanking Agreement is signed, that land is locked away and cannot be developed whether the landowner sells their credits or not. It is recommended that an accredited consultant be contacted to advice on the suitability of the BioBanking site. For LALCs looking to establish a BioBank site, appropriate areas would typically (but not exclusively) consist of those with:

- Low development potential (e.g. very steep gradients, watercourses) but reasonable land management costs;



- Medium quality ecological habitat with high potential for improvement;
- Moderate to rare ecological communities;
- Moderate to large habitat areas (e.g. greater than 10 ha)
- Land which is suitable for compatible revenue generating activities (e.g. ecotourism); and
- Little or no on-going conservation management requirements.

The suitability of sites for developers will also depend on the quality of the vegetation communities present as well as the relative costs of undertaking BioBanking in comparison to alternative development pathways.

7.2 What do I need to be aware of?

The table below summarises the range of risks that landowners should be aware of when thinking about establishing a BioBank Site.

Risk	Consideration	Appropriate action
Key BioBanking Scheme Risks		
Perpetuity	BioBanked land is locked away in perpetuity and tied to the land title which may impact land uses and prices.	Landowners need to consider the opportunity costs for locking away land in perpetuity. The opportunity cost is the value of an alternative use of land forgone because of the decision to set up a BioBank site. Ecological, cultural and economic considerations should be taken into account within the opportunity cost.
Restrictions	BioBanked land has restrictions upon it which may restrict cultural uses of the land.	The landowner should consult with OEH as to what cultural practices would be permitted, as well as the local community, prior to signing a BioBanking Agreement.
Government Compulsory Acquisition	There are a small number of circumstances in which the Government may activate compulsory acquisition rights over BioBanked land.	Landowners should be aware of what may lead to compulsory acquisition.
Trading	Establishing a site does not mean there will be a buyer for the resulting credits.	Landowners should establish the level of demand for their credits prior to signing the BioBanking Agreement.
Legal Risks		
Aboriginal Land Rights Act (ALRA)	Under the ALRA, NSWALC approval is required for a LALC to enter into a BioBanking Agreement.	A LALC will need to comply with the new application process set out in the <i>Aboriginal Land Rights Act 1983 (NSW) (ALRA)</i> and <i>Aboriginal Land Rights Regulation 2002 (NSW) (ALRR)</i> and the NSWALC Policy on the Assessment and Approval of LALC Land Dealings to make a valid application to NSWALC for approval.



Risk	Consideration	Appropriate action
Other legislation	Any existing legally binding conservation agreements may limit the suitability of BioBanking for a site, since these agreements are likely to have already resulted in improved land quality, and may therefore impact on credits. These agreements may include: <ul style="list-style-type: none"> • Conservation Agreements under the NP&W Act • Property Vegetation Plans under the Native Vegetation Act • Conservation Covenants under the Nature Conservation Trust of NSW • Conservation covenants under the Crown Lands Act. 	Landowners should identify any legal management and land dealing requirements that may apply to the land in question. It is strongly recommended that specialist independent legal advice be sought before entering into a BioBanking Agreement.
Mismanagement	Part 7A of the TSC Act allows the Minister to take legal action in some limited circumstances against landowners who do not fulfil their BioBanking Agreement management actions. This may include loss of land ownership.	Landowners should make sure that the proposed management actions are fully understood, practical and that systems are in place to ensure they are carried out. Independent legal advice should be sought on the terms of the Biobanking Agreement prior to signing, to ensure the consequences of breaching the agreement are clearly understood. In the event of mismanagement landowners should contact NSWALC and OEH immediately for advice on fixing the issue before legal proceedings occur.
Economic Risks		
Market Risks	There is a risk in establishing a BioBank site that the landowner will not be able to find anyone to purchase their credits depending on: type of credits, cost of credits, location and demand for development.	Landowners should establish the level of demand for their credits prior to signing a BioBanking Agreement. The OEH website provides a forum for this to be done.
Market Risks	Due to uncertainty in the market place, credits may be sold at a price which underestimates the value of the credits.	Until the market is strongly established landowners should use the online OEH expression of interest registers to find potential credit trading partners and to enter into discussions to work out a deal and credit price which is acceptable to both before officially committing to the Scheme. Nevertheless, there remains risks in underestimating the price of credits. Alternatively, landowners may wish to wait until the market operation is further developed and likely to reflect a true price.
Management	If management costs are not accurately estimated there is a risk that annual payments from the BioBanking Trust Fund will not be sufficient to cover the mandatory management actions.	Landowners should make sure that the sale price of the credits is sufficient not only to cover the Total Fund Deposit, but the additional one-off costs associated with establishing a BioBank Site and a profit margin. Independent financial modelling should be undertaken.
BioBanking Trust Fund	The BioBanking Trust Fund will default on its annual payments.	There is a low risk that this will occur due to its conservative investment strategy. In the event this occurs, the management actions required to be undertaken by the landowner will be adjusted.





Risk	Consideration	Appropriate action
Social and Cultural Risks		
Social and Cultural Risks	A BioBanking Agreement may limit the access to Country for Aboriginal communities and the ability to engage in traditional practices. The regulations do not explicitly prohibit these activities, but there may be restrictions placed on specific Agreements.	All decisions which affect access and use of Country should be carefully considered by LALCs. In particular, as BioBanking has implications into the future, the consistency of participating in the Scheme with cultural practices, traditions and identity should be carefully considered. Community support must be sought prior to signing a BioBanking Agreement. It is important for LALCs to obtain independent legal advice in relation to any proposed Agreement and how it may affect the conduct of cultural activities. LALCs should include cultural activities in section 3 of the BioBanking Agreement application form. Permission to carry out such activities may then be included in a BioBanking Agreement.
Land Use Risks		
Opportunity Costs	There are opportunity costs associated with land use options in undertaking BioBanking. Landowners may miss out on future development opportunities.	Landowners need to consider the opportunity costs for locking away land in perpetuity and should seek independent property advice particularly in relation to understanding the zoning of the land and the long term regional plans that may affect future zoning of the land.
Management Costs	Changes in environmental conditions due to natural disasters, changes in regional species composition or climate change may alter the extent of management actions required.	Either the landowner or OEH may identify the need for altered management practices in response to an environmental change (e.g. a flood or fire). This may result in some management actions being varied in the short term. Costs associated with any variation to the management actions will be covered through reallocation of Trust Fund distributions (e.g. other less necessary, high cost actions may be temporarily halted). OEH will assist in determining what management measures are required and how funds should be reallocated.
Climate Change	The potential impacts of climate change are likely to significantly affect species and ecosystem composition into the future. As such, over time the management requirements may vary in a manner beyond control of the landowner.	The BioBanking Scheme does not currently account for climate change in a specific manner. LALCs should consult with OEH at an early stage as to the potential climate change risks associated with their sites.

LALCs will also need to consider the following points in relation to the ALRA and BioBanking

ALRA	NSWALC can require that a land dealing application be assessed by an expert advisory panel before NSWALC will consider and make a determination on the approval. Should this be required the cost of this will be required to be paid by the LALC.	Consultation with NSWALC should be undertaken as early as possible.
ALRA	Land dealings made in breach of the requirements of the ALRA are void under s42C of the ALRA.	Consultation with NSWALC should be undertaken as early as possible.
ALRA	Restrictions on land dealings apply to land that is subject to native title rights or land that is reserved or dedicated under the NP&W Act (see s42 and 42A of the ALRA).	Ensure all appropriate enquiries are made with regard to native title interests and interaction with the NP&W Act. A federal court determination as to native title interests may have to be obtained.



8 What are the taxation implications of BioBanking?

There are potential taxation implications related to BioBanking. LALCs should seek independent advice from taxation advisors to fully explain these implications. Participation in the BioBanking Scheme will carry with it a number of taxation implications for LALCs, particularly for LALCs establishing BioBanked sites. In general, the tax implications of the Scheme are unlikely to be a significant factor in determining whether or not BioBanking at a site is an economically viable option, however independent advice regarding this should be sought by LALCs.

Basically, unless land owned by the LALC is considered part of the LALCs revenue account (this will not be the case for most LALCs), the Australian Tax Office has issued two rulings which outline taxation requirements for participating in BioBanking. These rulings provide detailed information in regards to:

- Goods and Services Tax – In creating credits the net GST cost to a LALC would be zero. However, the sale of biodiversity credits is a “supply of goods” and whoever buys the credits would have to pay the landowner a GST amount. The cost of managing the land under a BioBanking Agreement may also require a landowner to purchase equipment with a GST component. The annual payments from the BioBanking Trust Fund should cover this cost as well.
- Capital Gains Tax - BioBanking is legally considered to be a “conservation covenant”. The outcome of this in tax terms is that when a BioBank Agreement is signed and when credits are sold capital gains tax events occur. It should be noted that the relationship between native title and taxation system is complex and the liability for capital gains tax to be paid will vary between Aboriginal landowners.
- Income Tax - The only income streams to participants in the BioBanking Scheme that are assessed as ordinary assessable income (excluding those assessed under capital gains tax provisions) are the annual payments from the BioBanking Trust Fund and any additional bonus payments received from the fund. While the payments are taxable income, any expenses incurred in generating the income (i.e. the management actions undertaken in accordance with the BioBanking Agreement) can be used to offset the taxable income.

The specific manner in which taxation will affect individual Scheme members will vary and it is recommended that professional independent taxation advice be sought prior to participating in the BioBanking Scheme.





9 What other land management options are there?

BioBanking may not always be the land use option which is most suited to the landowner's circumstances.

The following sections briefly describe other environmentally sustainable land use options that LALCs may wish to consider. Most of these would not be considered compatible with a BioBanking Agreement, but may be appropriate on lands where BioBanking is not feasible.

They are summarised here to help LALCs identify the sustainable land use option which is most appropriate to their land and circumstance. Further information on these options is available through NSWALC. NSWALC is currently in the process of preparing a series of fact sheets relating to environmentally sustainable land options to further aid LALCs in maximising the potential for their lands.

LALCs should note that NSWALC will need to approve land use options listed below if they constitute a 'land dealing' under the ALRA.

9.1 Wind power

Wind power involves the conversion of wind energy to make electricity, mechanical power and/or wind pumps for pumping water or drainage. Wind power or wind energy is the electrical energy generated by the blowing of wind against the blades or rotor of a wind turbine.

An important factor in selecting a site for a wind farm is choosing an area which has strong, consistent wind. Other important considerations include the level of community support, population density and whether the land is away from areas of high conservation value or Aboriginal culture and heritage value.

Wind farms have the potential to affect Aboriginal heritage and cultural activities if precautions are not taken. Aspects of wind farming including land clearing, road building, site access for installation and maintenance, the construction of power lines and the need for deep concrete foundations to be buried underground have the potential to impact on Aboriginal heritage and cultural activities.

For more information regarding wind speeds visit the Australian Bureau of Meteorology website www.bom.gov.au. For more information regarding the legal processes related to wind farming visit the NSW Department of Trade and Investment, Regional Infrastructure and Services website www.industry.nsw.gov.au/energy/sustainable/renewable/wind or phone 1300 136 888.

9.2 Solar power

Solar power is the conversion of sunlight into electricity.

Opportunities for Aboriginal landowners in relation to solar power include leasing land to developers wishing to develop solar power projects, or landowners developing their own solar power project. Important considerations when exploring factors relating to developing a solar power project include whether or not there are high levels of sunlight or cloud cover, the distance to the main power grid, and necessary infrastructure such as roads, environmental impact and community support. It is also important to consider costs involved in establishing and maintaining projects as well as the possibility of generating income from the project.

For more information regarding solar power visit the NSW Department of Trade and Investment, Regional Infrastructure and Services website www.industry.nsw.gov.au/energy/sustainable/renewable/solar or phone 1300 136 888.



9.3 Forestry/Carbon sinks

A carbon sink is a reservoir that stores carbon for an indefinite period. Forests, oceans and soils store carbon. The process in which carbon sinks remove carbon dioxide from the atmosphere is called carbon sequestration.

In relation to carbon sinks, forestry-related options have proved to have the greatest potential for sequestering carbon. Afforestation and reforestation are ways in which to sequester carbon.

Reforestation (the restocking of forests which have been run down and diminished) allows for carbon dioxide to be soaked up and stored in the plants. It also assists in rebuilding animal habitats and protecting other biodiversity values. Afforestation is the establishment of a new forest where there has not been an existing forest previously. This also has the effect of removing carbon dioxide from the atmosphere.

LALCs have the option to undertake reforestation in existing forest areas on their land as well as undertaking afforestation on land currently without forests or clusters of trees. There will be a variety of cultural, environmental and economic considerations for LALCs to take into account in relation to forestry. For more information regarding forestry processes visit www.dpi.nsw.gov.au/forests/carbon/trading or phone the NSW Department of Trade and Investment, Regional Infrastructure and Services on 1300 655 687.

This land use may be compatible with BioBanking.

If carbon sequestration activities are of interest to LALCs, they may also wish to consider investigating or participating in the Commonwealth's new Carbon Farming Initiative, a new carbon trading scheme, once it has received final parliamentary approval. Further information can be obtained from the Department of Climate Change and Energy Efficiency (www.climatechange.gov.au).

9.4 Biofuels

Biofuels are liquid fuels that have been derived from plant waste and/or animal matter. Biofuels include bioethanol (ethanol) and biodiesel.

Ethanol is most commonly made from the fermentation of sugar, starch waste and red sorghum while biodiesel is most commonly made from canola oil, tallow (animal fat) and other feedstock. Crop production is a way in which landowners can engage in the development of biofuels. Biofuel can be sold for use in petrol.

There will be a variety of cultural, environmental and economic considerations for LALCs to take into account in relation to the development of biofuels.

The EDO's publication, Rural Landholder's Guide to Environmental Law in NSW, contains more legislative information regarding biofuels:

www.edo.org.au/edonsw/site/publications.php#landholder or call the EDO on 1800 626 239.

9.5 Carbon trading and offsets

Carbon trading and offsetting programs essentially aim to counteract activities that produce carbon emissions with activities that remove carbon from the environment.

The trading system allows for carbon credits to be purchased (these credits represent the reduction in carbon emissions) by groups who are producing emissions and cannot meet reduction targets.

The NSW Greenhouse Gas Reduction Scheme is a mandatory emissions trading Scheme (see section 9.6).





9.6 NSW Greenhouse Gas Reduction Scheme

The NSW Greenhouse Gas Reduction Scheme began in 2003 with the aim of reducing greenhouse gas emissions by offsetting the production of these emissions.

The Scheme establishes state-wide reduction targets and requires electricity retailers and other parties who buy or sell electricity to meet mandatory reduction benchmarks.

Abatement Certificate Providers (ACPs) carry out abatement activities to reduce greenhouse gas emissions including;

- The low emission generation of electricity;
- Activities that result in reduced consumption of electricity;
- Activities carried out by elective participants that reduce on-site emission not directly related to electricity consumption; and
- The capture of carbon from the atmosphere in forests (NSW Government Greenhouse Gas website).

LALCs may participate in the Scheme as ACPs if they chose to carry out abatement activities. In order to do this LALCs need to apply for accreditation to the Scheme Administrator. For further information visit www.greenhousegas.nsw.gov.au.

There will be a variety of cultural, environmental and economic considerations for LALCs to take into account in relation to participating in the Scheme.

The EDO's publication, Rural Landholder's Guide to Environmental Law in NSW, contains more legislative information regarding the Greenhouse Gas Reduction Scheme: www.edo.org.au/edonsw/site/publications.php#landholder

9.7 Ecotourism

Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation. Ecotourism is considered to be compatible with BioBanking.

A significant amount of Aboriginal land in NSW has high biodiversity value. Ecotourism permits the travel of people into environments where flora, fauna and/or cultural heritage values are high attractions. This travel may provide funds for ecological conservation which has the potential to benefit the economic development of landowners.

Ecotourism moves beyond giving travelers sightseeing opportunities and enhances visitors understanding of the scientific, ecological and cultural features of the environment they are visiting. Ecotourism providers need to undertake a certification process which identifies genuine ecotourism operators.

Important factors for Aboriginal landowners to consider in relation to ecotourism include the cultural values on the site of land and whether the community wishes to have these values open for the public to view and visit. Similarly certification and insurance requirements are important factors to consider.

For more information regarding certification visit: www.ecotourism.org.au/eco_certification.asp.



10 I'm interested, what do I do next?

Any LALC interested in BioBanking should contact NSWALC. NSWALC will be able provide you with further information about what steps should be taken to investigate the potential for BioBanking on your land. As the costs of establishing a BioBank Site can be quite high it is important that Aboriginal landowners make sure that BioBanking is a wise option for their site as early as possible.

Recommended steps that landowners may want to take to help make a decision about BioBanking are shown in the following figure.

There are a number of resources available for individuals and Aboriginal organisations wishing to find out more about the BioBanking Scheme and the potential for participating in the Scheme.

Is it appropriate?

- Is there biodiversity on the site?
- What is the condition of the biodiversity?
- Is it culturally appropriate?
- Am I an eligible landowner? (Section 4.2)

Talk

- Consult with Land Alive
- Consult with NSWALC
- Have LALC members been consulted with?

Is it risky?

- Consider the potential risks and costs (Section 7)
- Consider the potential benefits (Section 3.2)

Criteria

- How much land can be BioBanked?
- What type of biodiversity do I have? (Section 4.5)

Preliminary Review

- Contract a certified BioBanking Assessor to conduct a preliminary review of site suitability

Research

- Search the OEH public registers
- Submit an online BioBanking Expression of Interest
- Talk to potential developers who may be interested in your credits

Decide

- Make a decision whether or not to proceed with BioBanking
- Talk with NSWALC about how to get the official process started





11 Links and resources

NSW Aboriginal Land Council

NSWALC contact details
 Telephone: (02) 9689 4444
 Email: biobanking@alc.org.au
 Website: www.alc.org.au

The Policy and Research Unit at NSWALC has developed resources for Aboriginal landowners in relation to the BioBanking Scheme, other sustainable land use options and Aboriginal culture and heritage protection.

For more information regarding NSWALC or the BioBanking Scheme please visit the NSWALC website or speak to the Policy and Research Unit.

Websites and documents of interest

OEH BioBanking Website www.environment.nsw.gov.au/biobanking/

This website provides access to the following resources:

- BioBanking Agreement application form
- BioBanking Agreement template
- BioBanking Assessment Methodology
- BioBanking Assessment Methodology and Credit Calculator Operational Manual
- BioBanking and other conservation options for private land
- BioBanking Credit Calculator
- BioBanking public register
- BioBank site expression of interest (EOI) form
- List of BioBanking Assessors
- Overview of the biodiversity credits market
- Threatened Species Conservation (Biodiversity Banking) Regulation 2008
- Threatened Species Profile Database
- Vegetation Benchmarks Database
- Vegetation Types Database.

Australian Taxation Office (ATO):

www.ato.gov.au

Environmental Trust:

www.environment.nsw.gov.au/grants/envtrust.htm

Land and Property Management Authority:

www.lands.nsw.gov.au

EcoTourism Australia:

www.ecotourism.org.au/eco_certification.asp

Environmental Defender's Office - publications:

www.edo.org.au/edonsw/site/publications

Greenhouse Gas Reduction Scheme:

www.greenhousegas.nsw.gov.au/

Department of Trade and Investment, Regional Infrastructure and Services - *Carbon accounting and trading:*

www.dpi.nsw.gov.au/forests/carbon/trading

Department of Trade and Investment, Regional Infrastructure and Services - *Solar Power:*

www.industry.nsw.gov.au/energy/sustainable/renewable/solar

Department of Trade and Investment, Regional Infrastructure and Services - *Wind Power:*

www.industry.nsw.gov.au/energy/sustainable/renewable/wind

Australian Bureau of Meteorology:

www.bom.gov.au/



Other contacts

Office of Environment and Heritage

PO Box A290
 Sydney South NSW 1232
 Phone: (02) 9995 6753
 Fax: (02) 9995 6795
 Email: biobanking@environment.nsw.gov.au

The Office of Environment and Heritage is a division of the NSW Department of Premier and Cabinet. OEH was formed on 4 April 2011 following an announcement of new administrative arrangements for the public service in NSW, which saw most of the functions of the Department of Environment, Climate Change and Water transferred to the new Office of Environment and Heritage. The Office regulates industry, protects and conserves the NSW environment, manages over 850 national parks and reserves and protects the natural, cultural and built heritage in NSW

The Environmental Defenders Office Ltd

Level 1, 89 York Street
 Sydney NSW 2000
 Phone: (02) 9262 6989
 Fax: (02) 9262 6998
 Freecall: (NSW only) 1800 626 239

The Environmental Defender's Office Ltd (EDO) is a not-for-profit community legal centre specialising in public interest environmental law. The EDO assists individuals and community groups who are working to protect the natural and built environment. The EDO is part of a national network of centres that help to protect the environment through law in their States. The EDO undertakes casework, provides scientific assessment and advice, education and law reform. The EDO also provides free initial legal advice to the community.

Nature Conservation Trust

PO Box 883 Orange NSW 2800
 Phone: (02) 6365 7543
 Fax: (02) 6365 7768
 Website: www.nct.org.au

The Nature Conservation Trust is a not-for-profit organisation set up under the *Nature Conservation Trust Act 2001* to promote nature conservation on private land in NSW. The Trust protects properties with high conservation values through a fund, conservation agreements and stewardship programs.

OEH Conservation Partners Program

PO Box A290 Sydney South NSW 1232
 Phone: (02) 9995 6768
 Fax: (02) 9995 6791
 Website: www.environment.nsw.gov.au/cpp/ConservationPartners.htm

The Conservation Partners Program supports landowners in voluntarily protecting and managing native vegetation, wildlife habitat, geological features, historic heritage and Aboriginal cultural heritage on their properties.

Community Environment Network

PO Box 149 Ourimbah NSW 2258
 Phone: (02) 4349 4756
 Fax: (02) 4349 4755
 Website: www.cen.org.au/landforwildlife

The Community Environment Network's Land for Wildlife program registration scheme is designed for landowners who wish to manage areas for biodiversity and wildlife habitat protection.

Friends of Grasslands

PO Box 987 Civic Square ACT 2608
 Phone: (02) 6241 4065
 Website: www.fog.org.au

Friends of Grasslands is a not-for-profit association run by volunteers with aims to protect and ultimately recover grassy ecosystems.

Landcare Australia Limited

PO Box 5666 West Chatswood NSW 1515
 Phone: (02) 9412 1040
 Fax: (02) 9412 1060
 Website: www.landcare.com.au

Landcare Australia Limited is a not-for-profit company that promotes and sponsors the Australian landcare movement. Landcare raises funds for local land care groups, raises sponsorship from the corporate sector and runs campaigns and produces resources for the landcare and coast care movements.

Greening Australia

PO Box 74 Yarraluma ACT 2600
 Phone: (02) 6202 1600
 Fax: (02) 6202 1650
 Website: www.greeningaustralia.org.au





Humane Society International

PO Box 439 Avalon NSW 2107
 Phone: (02) 9973 1728
 Fax: (02) 9973 1729
 Website: www.hsi.org.au

The Humane Society International Australia is a non-government organisation that works for wildlife conservation and animal protection.

Border Rivers-Gwydir CMA

PO Box 411 Inverell NSW 2360
 Phone: (02) 6728 8020
 Fax: (02) 6728 8098
 Website: www.brg.cma.nsw.gov.au

Catchment Management Authorities (CMAs) were established by the NSW State Government. CMAs are responsible for managing natural resources and working with groups such as farmers, landcare, communities, local government, industry and state agencies for natural resource management outcomes.

Central West CMA

PO Box 227 Wellington NSW 2820
 Phone: (02) 6840 7800
 Fax: (02) 6840 7801
 Website: www.cw.cma.nsw.gov.au

Hawkesbury-Nepean CMA

Locked Bag 2048 Goulburn NSW 2580
 Phone: (02) 4828 6747
 Fax: (02) 4828 6750
 Website: www.hn.cma.nsw.gov.au

Hunter-Central Rivers CMA

Private Bag 2010 Paterson NSW 2421
 Phone: (02) 4930 1030
 Fax: (02) 4930 1013
 Website: www.hcr.cma.nsw.gov.au

Lachlan CMA

2 Sherriff Street Forbes 2871
 Phone: (02) 6851 9500 or 1800 885 747
 Fax: (02) 6851 6991
 Website: www.lachlan.cma.nsw.gov.au

Lower Murray Darling CMA

PO Box 363 Buronga NSW 2739
 Phone: (03) 5021 9460
 Fax: (03) 5021 1308
 Website: www.lmd.cma.nsw.gov.au

Murray CMA

PO Box 835 Deniliquin NSW 2710
 Phone: (03) 5880 1400
 Fax: (03) 5880 1444
 Website: www.murray.cma.nsw.gov.au

Murrumbidgee CMA

PO Box 5224 Wagga Wagga NSW 2650
 Phone: (02) 6932 3232
 Fax: (02) 6932 3269
 Website: www.murrumbidgee.cma.nsw.gov.au

Namoi CMA

PO Box 546 Gunnedah NSW 2380
 Phone: (02) 6742 9220
 Fax: (02) 6742 4022
 Website: www.namoi.cma.nsw.gov.au

Northern Rivers CMA

PO Box 618 Grafton NSW 2460
 Phone: (02) 6642 0622
 Fax: (02) 6642 0640
 Website: www.northern.cma.nsw.gov.au

Southern Rivers CMA

PO Box 3095 - Wollongong East NSW 2500
 Phone: (02) 4224 9700
 Fax: (02) 4224 9669
 Website: www.southern.cma.nsw.gov.au

Sydney Metropolitan CMA

PO BOX 3720 Parramatta 2124
 Phone: (02) 9895 7898
 Fax: (02) 9895 7330
 Website: www.sydney.cma.nsw.gov.au

Western CMA

PO Box 307 Cobar NSW 2835
 Phone: (02) 6836 1575
 Fax: (02) 6836 2988
 Website: www.western.cma.nsw.gov.au



12. Glossary

Accredited Assessor	See BioBanking Assessor.
ALRA	<i>Aboriginal Land Rights Act 1983 (NSW)</i>
BioBank Site	Land specified as a BioBank site to which BioBanking applies to.
BioBanking Agreement	An Agreement between the landowner and the Minister for the Environment (under Part 7A of the TSC Act) for the purpose of establishing a BioBank site. The Agreement states the management actions to be carried out to improve biodiversity values on the site and thereby create biodiversity credits under the Scheme (s. 127D of the TSC Act).
BioBanking Agreement Register	The register of BioBanking Agreements kept by the Director General of the Department of Premier and Cabinet (the OEHS sites within this Department) under Part 7A of the TSC Act.
BioBanking Assessment Methodology (the methodology)	The rules established under section 127B of the TSC Act. The BioBanking Assessment Methodology determines: <ul style="list-style-type: none"> • The number and class of credits required to offset the loss in biodiversity values caused by development. • The number and class of credits that may be created by management actions that improve biodiversity values at a BioBank site. • The circumstances that improve or maintain biodiversity values.
BioBanking Assessment Methodology and Credit Calculator Operational Manual (the operational manual)	An operational manual that provides instructions on how to apply the methodology and the credit calculator, including the collection of data and field survey methods.
BioBanking Credit Calculator (the calculator)	A computer program that applies the methodology and calculates the number and classes of credits required at a development site or created at a BioBank site.
BioBanking Public Register	See biodiversity credits register.
BioBanking Regulation (the regulation)	<i>The Threatened Species Conservation (Biodiversity Banking) Regulation 2008 (NSW)</i> .
BioBanking Scheme	The Biodiversity Banking and Offsets Scheme established under Part 7A of the TSC Act.
BioBanking Statement	A statement issued under s127ZL of the TSC Act, specifying the number and class of credits to be retired for a particular development in accordance with the methodology. Under s127ZN, the statement may include other conditions to minimise the impact of the development on biodiversity values. If provided to a consent or determining authority under the EP&A Act, the conditions must be included as conditions of development consent or approval under s127ZO(2).

¹ Rules are contained within the BioBanking Assessment Methodology, under section 127B of the TSC Act. Available www.environment.nsw.gov.au/resources/biobanking/08385bbassessmethod.pdf





BioBanking Trust Fund	The Trust Fund established under Part 7A of the TSC Act to hold funds from the sale of credits (the Total Fund Deposit). These funds are held in an account for the BioBank site. The fund manager makes payments to the owners of BioBank sites in accordance with BioBanking Agreements and the regulations.
Biodiversity Credits	Ecosystem or species credits required to offset the loss of biodiversity values on development sites or created on BioBank sites from management actions that improve biodiversity values.
Biodiversity Credits Register	The register of biodiversity credits kept by the General of the Department of Premier and Cabinet (the OEH sits within this Department) under Part 7A of the TSC Act.
Biodiversity Offsets ¹	One or more appropriate actions put in place in an appropriate location to counterbalance (offset) an impact on biodiversity values.
Biodiversity Values	These include the composition, structure and function of ecosystems, and (but not limited to) threatened species, populations and ecological communities, and their habitats. This does not include fish or marine vegetation within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> (NSW) unless that fish or marine vegetation has been the subject of an order under s5A of the TSC Act.
CMA Area	The area of operation of a Catchment Management Authority, as described in Schedule 2 of the <i>Catchment Management Authorities Act 2003</i> (NSW).
CMA Subregion	Subregions of catchment management authority areas as set out in the Environmental Outcomes Assessment Methodology, <i>Native Vegetation Regulation 2005</i> (NSW).
Consent Authority	The Council, public authority or Minister who has the function of determining a particular development application under the EP&A Act.
Credit Calculator	A computer program that applies the methodology and calculates the number and classes of credits required at a development site or created at a BioBank site.
Credit Profile	A description of the credit created or required in a vegetation zone or group of zones, according to the attributes of CMA subregion, vegetation type, vegetation formation, surrounding vegetation cover, and patch size including low-condition vegetation.
OEH	The NSW Office of Environment and Heritage.
Development for which BioBanking is available (under s127J of the TSC Act)	Any development other than: <ul style="list-style-type: none"> • Any clearing of native vegetation, which must not be carried out except in accordance with development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> (NSW). • Development for which the regulations declare BioBanking is not available.

² BioBanking Assessment Methodology, under section 127B of the TSC Act. Available www.environment.nsw.gov.au/resources/biobanking/08385bbassessmethod.pdf



Ecosystem Credit	The class of biodiversity credits created or required for the impact on general biodiversity values and some threatened species; that is, for biodiversity values except threatened species or populations that require species credits. Species that require ecosystem credits are listed in the Threatened Species Profile Database (TSPD).
Endangered Ecological Community	See Threatened Ecological Community.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW).
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (Cth).
Highly Cleared Vegetation Type	A vegetation type which has 10% or less of its estimated pre-1750 distribution in the CMA remaining (as shown by the Vegetation Types Database).
Impacts on Biodiversity Values	Refers to the loss in biodiversity values on or off the development site and the gain in biodiversity values at the BioBank site.
Improve or Maintain Biodiversity Values ²	<ol style="list-style-type: none"> 1. A development is to be regarded as improving or maintaining biodiversity values if: <ol style="list-style-type: none"> a. The development does not directly impact on biodiversity values in a red flag area on the development site; or b. The development does directly impact on biodiversity values in a red flag area on the development site but the Director General makes a determination that the development may be regarded as improving or maintaining biodiversity values according to the BioBanking Assessment Methodology. 3. The direct impacts of the development on biodiversity values on the development site are offset by the retirement of biodiversity credits determined in accordance with the offset rules in the BioBanking Assessment Methodology. 4. The Director General determines that any indirect impacts of the development on on-site and off-site biodiversity values that cannot be mitigated through on-site measures are offset by the retirement of biodiversity credits determined in accordance with the offset rules in the BioBanking Assessment Methodology.
Landscape Value	<p>A measure of fragmentation, connectivity and adjacency of native vegetation at a site. Landscape Value comprises:</p> <ul style="list-style-type: none"> • Percent native vegetation cover in the 100-ha and 1,000-ha assessment circles in which the development or BioBank sites are located. • Connectivity with surrounding vegetation. • Total adjacent remnant area.





<p>Low-condition Vegetation</p>	<p>Woody native vegetation where:</p> <ul style="list-style-type: none"> • the native over-storey percentage of foliage cover is less than 25% of the lower value of the over-storey percentage of foliage cover benchmark for that vegetation type and <ul style="list-style-type: none"> - less than 50% of ground cover vegetation is indigenous species; - or greater than 90% of ground cover vegetation is cleared. • Native grassland, wetland or herbfield where: <ul style="list-style-type: none"> - less than 50% of ground cover vegetation is indigenous species; - or greater than 90% of ground cover vegetation is cleared. <p>If native vegetation is not in low condition, it is in moderate to good condition.</p>
<p>Management Actions</p>	<p>An action or proposed action carried out at a BioBank site in order to improve or maintain biodiversity values in respect of which biodiversity credits may be created.</p>
<p>NSWALC</p>	<p>New South Wales Aboriginal Land Council</p>
<p>Offset Rules³</p>	<p>Circumstances in which credits can be used (retired) for a development to improve or maintain biodiversity values.</p>
<p>Public Register</p>	<p>The BioBanking public register established under s127ZZB of the TSC Act to provide details of all BioBanking Agreements and sites. Sections 127ZZD and 127ZZC provide for separate registers for BioBanking statements and biodiversity credits respectively.</p>
<p>Red Flag Area</p>	<p>An area of land (part of a development site) with high biodiversity conservation values. The impact of the development on the biodiversity values of a red flag area cannot be offset by the retirement of biodiversity credits unless the Director General determines that strict avoidance of the red flag area is unnecessary in the circumstances.</p>
<p>Register of BioBanking Statements</p>	<p>See Public Register.</p>
<p>Register of Biodiversity Credits</p>	<p>See biodiversity credits register.</p>
<p>Retirement</p>	<p>A process to identify if credits have been used for a purpose such as to offset a development or achieve a conservation outcome. Credits cannot be transferred after they have been retired.</p>
<p>Site Value</p>	<p>A quantitative measure of structural, compositional and functional condition of native vegetation, measured by site attributes.</p>

³ Rules are contained within the BioBanking Assessment Methodology, under section 127B of the TSC Act. Available www.environment.nsw.gov.au/resources/biobanking/08385bbassessmethod.pdf



Species Credit	The class of biodiversity credit created or required for the impact on threatened species that cannot be reliably predicted to use an area of land based on habitat surrogates. Species that require species credits are listed in the Threatened Species Profile Database.
Threatened Species Profile Database	The database containing information on habitat characteristics, range, response to management actions, survey requirements, and the class of biodiversity credits required for the species. It is used for calculation of ecosystem or species credits, filtering to determine the likely presence of threatened species, information on threatened species' ability to withstand loss, and threatened species' response to management.
TSC Act	<i>Threatened Species Conservation Act 1995 (NSW).</i>
Vegetation Type	The finest level of classification of native vegetation used in the methodology. Vegetation types are assigned to vegetation classes, which in turn are assigned to vegetation formations. There are approximately 1,600 vegetation types within NSW.
Vegetation Types Database	A database which contains the information on each vegetation type used in the methodology and comprises a description of each vegetation type, its class and formation, the CMA area within which the vegetation type occurs, the percent cleared value of the vegetation type, and the source of the information.







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