



Thursday, 5 March 2026

NSW Biodiversity Conservation Trust  
Four Parramatta Square, 4PSQ Level 14/12 Darcy St  
Parramatta NSW 2150

To Whom It May Concern

**Re: The Biodiversity Offsets Payment Calculator**

The Clean Energy Council (**CEC**) welcomes the opportunity to provide comments on the changes proposed by the NSW Biodiversity Conservation Trust (**BCT**) to the Biodiversity Offsets Payment Calculator Order 2022 (**BOPC**).

The CEC is the peak body for the clean energy industry in Australia. We represent and work with hundreds of businesses operating in solar, wind, hydro, bioenergy, marine and geothermal energy, energy storage and energy efficiency. Many electricity generation projects in NSW meet their offset obligations under the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**) by making payment into the Biodiversity Conservation Fund (**BCF**) under section 6.30 (1) of the BC Act.<sup>1</sup> To make a payment into the BCF, a proponent obtains a quote from the BCT (**Charge Quote**). The BCT calculates the Charge Quote using the BOPC.

The CEC supports the BCT's proposed amendments to the BOPC aimed at improving transparency in the biodiversity offset market and streamlining the process for obtaining Charge Quotes. The CEC's comments focus on the proposed changes to Charge Quotes, the proposal to discontinue the price estimation service, and the increase in delivery fees. Further detail is provided below.

The CEC does not have any comments in relation to the introduction of the new statistical model for estimating charges; the updates to the Biodiversity Stewardship Agreement area categories; and the removal of references to the transitional price cap.

***Indexation and duration of BCF Charge Quotes***

Currently, a Charge Quote is valid for three years. The Charge Quote includes an indexation amount for the first year and is then subject to monthly indexation in the second and third years.

The CEC welcomes the proposed change to reduce the validity period of Charge Quotes to one year and therefore, remove the need for monthly indexation. The CEC anticipates that this change will

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<sup>1</sup> The Biodiversity Conservation Fund Charge Report lists 166 charge quotes in relation to electricity generation between 6 January 2025 and 5 December 2025.

provide greater financial certainty to proponents regarding costs for biodiversity offsets, by removing uncertainty regarding the calculation of indexation costs.

Given the Charge Quote incorporates one year of indexation, the CEC recommends that the BCT consider introducing an indexation discount if a proponent pays the Charge Quote early. This could act as an incentive for timely payment by proponents and deliver consequential benefits for the BCT.

### ***BCF Charge report and Price Estimation Service***

Currently, section 2.4 of the BOPC requires the BCT to publish all Charge Quotes between 180 and 270 days after the Charge Quote was issued. The CEC understands that the delay in publication is intended to reduce the impact of the BOPC as a price signal in the biodiversity credit market. The BCT is proposing to require weekly publication of Charge Quotes and to discontinue the price estimate service.

It is critical that proponents can accurately estimate the cost to comply with their environmental approval conditions. The CEC supports timely and accurate access to information and welcomes the proposal to publish Charge Quotes weekly. Given the Charge Quotes are typically higher than market value (as they attract a premium compared to equivalent credits on the open market), there is a potential risk that weekly reporting could inflate the market value of equivalent credits. We recommend that the BCT publish details regarding the method used to calculate the Charge Quote so that the market can accurately assess this information.

The CEC recommends retaining the price estimate service, in particular, for credits that are less in demand (and for which accurate market data may not be readily available). Rather than removing the price estimate service entirely, the CEC recommends tightening the requirements on who can obtain a price estimate. For example, for state significant development, the ability to access price estimates could be linked to projects that have submitted their Secretary's Environmental Assessment Requirements. This would address the issue of landholders and market speculators using the price estimate service to establish a price for credits for which there is no market demand, while also retaining an important service for participants with an actual or potential credit obligation.

### ***Delivery costs***

The BCT is proposing to increase the delivery fees and pass on the fees charged by DCCEEW (NSW) to transfer and retire credits. DCCEEW (NSW) charges a fixed fee per application to retire and transfer biodiversity credits.<sup>2</sup> Our understanding is that the fixed fees required by DCCEEW (NSW) will be totalled and then converted into a per credit amount which will be borne by all users of the BCF. The CEC is concerned that the method of distributing the DCCEEW (NSW) fees in effect asks larger proponents to share a greater burden of the DCCEEW (NSW) fees (essentially subsidising smaller users). This could act as a disincentive for larger renewable energy projects.

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<sup>2</sup> The price to transfer or retire biodiversity credits from July 2025-26 is a fixed fee per application of \$1,905, [Scheme fees | Biodiversity Offsets Scheme | Environment and Heritage](#).



The BCT states that ‘the proposed fees would increase the delivery cost for 75% of proponents and decrease it for 25%’.<sup>3</sup> To assist proponents to understand the likely impact of these cost changes, the CEC recommends that the BCT provide worked examples of when the fees would likely increase and decrease.

Renewable energy developments in NSW are facing substantial and escalating costs. In this environment, biodiversity credit liabilities represent a significant investment that directly affects project viability. Additional per-credit fees compound these pressures and risk undermining the economic case for renewable generation in NSW. The CEC does not consider that increases to delivery costs should include the BCT recovering administrative costs from proponents.<sup>4</sup>

The CEC welcomes further engagement with the BCT in relation to the proposed changes. If you have any queries or would like to discuss this submission in more detail, please contact me on [erutherford@cleanenergycouncil.org.au](mailto:erutherford@cleanenergycouncil.org.au).

Kind regards,

A handwritten signature in black ink, appearing to read 'Elise Rutherford', written in a cursive style.

**Elise Rutherford**

General Manager – Environment and Planning

Clean Energy Council

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<sup>3</sup> BCT Discussion Paper ‘Proposed amendments to the calculator used to calculate the price proponents pay to transfer an offset obligation to the Biodiversity Conservation Fund’ dated February 2026, page 5.

<sup>4</sup> BCT Discussion Paper ‘Proposed amendments to the calculator used to calculate the price proponents pay to transfer an offset obligation to the Biodiversity Conservation Fund’ dated February 2026, page 4 states that the BCT delivery cost fee covers costs to ‘Maintain relevant computer systems and BOPC Report on outcomes’.