

BAM Assessor Up-date – Number 15 – May 2019

1. Differences between information in the Threatened Biodiversity Data Collection (TBDC) in BioNet and the BAM Calculator

The NSW Office of Environment and Heritage (OEH) has been conducting an extensive review of all threatened species information in the TBDC used to operationalise the BAM Calculator. Information on threatened fauna was up-dated in BioNet in 2017. Fauna data should match that in the BAM Calculator. However, information on threatened plants has been reviewed more recently following a series of workshops with flora experts in regional locations with the Hunter/Sydney Metro area the last remaining area to undergo this process.

Revised information on flora species has since been updated in the TBDC from mid 2018 through to early 2019. However, the updated data for these flora species has not yet been updated into the BAM Calculator. Therefore, it is likely that for at least some species there is different information in the TBDC to that in the BAM Calculator.

OEH strongly recommends that an assessor regularly reviews information in the TBDC, particularly regarding survey season, for threatened species likely to occur on their site. OEH is planning to update data in the BAM Calculator from the TBDC and BioNet Vegetation Classification in mid July 2019.

One-off up-dates to specific data for species are made periodically. Most recently, data for *Eucalyptus pulvertula* was updated in the BAM-C on April 14th 2019. Assessors receive a notification of any data up-dates when they next login to the BAM Calculator after the update has been completed.

Access to the TBDC

The data within the TBDC can be accessed from <http://www.bionet.nsw.gov.au/>, and login. If you do not have access, you can apply from the BioNet webpage at <https://www.environment.nsw.gov.au/atlaspublicapp/Registration.aspx>

2. Reuse of Biobanking Assessment Method/Framework for Biodiversity Assessment data in BAM

An assessor can re-use existing plot data or threatened species survey if the survey period was within 5 years of the current proposal lodgement date, and there has been no significant environmental disturbance impacting on biodiversity values during that time. All information and data from past threatened species surveys must also comply with the BAM.

The BAM has replaced the assessment of vegetation strata with vegetation growth forms. The composition and structure of all growth forms are now assessed separately against their data-derived benchmarks (<https://www.environment.nsw.gov.au/resources/bionet/native-vegetation-integrity-benchmarks-170440.pdf>). To meet this requirement, an assessor will need to return to the original vegetation condition survey plots and record the structure and function attributes that differ between the two assessment methods.

Composition attributes requires the allocation of species to growth form groups. Existing species richness data can be used to assign a native plant species to a growth form group using the look-up table developed by OEH (see [BAM Calculator Page](#)). Allocation of a native species to a growth form group is based on the most common growth form expressed by the mature plant across the extent of the species' range. It is also important to correctly update your BAM plot field data sheets in accordance with the minimum information requirements for a relevant assessment report.

Structure attributes such as foliage cover are plot-based assessments under the BAM compared to transects in the BBAM/FBA. Consequently, an assessor will need to return to the original plots (20m x 20m) and record the foliage cover for all growth form groups (see subsection 5.3.4 of the BAM). Non-native (exotic) plant species also require a foliage cover estimate and must be allocated to non-native species as either 'E' (exotic) or 'HTE' (high threat exotic).

Function attributes that are not common to all assessment methods and need to be collected from the original plots include:

- **Number of large trees:** within each 20m x 20m plot.
- **Tree stem size class:** assessed as the presence or absence of each stem size class (<5, 5-9, 10-19, 20-29, 30-49, 50-79 and 80+cm) from 5cm DBH to the large tree benchmark DBH size within each 20m x 20m plot.
- **Litter cover:** calculated as the average litter cover for all five (1m x 1m) sub-plots (located evenly along the 50m mid line).
- **High threat exotic vegetation cover:** assessed as the total percentage of high threat weed cover for each 20m x 20m plot.

Note that whilst tree regeneration is assessed differently between the methods, the 'tree stem size class' in the BAM captures the data required for the tree regeneration attributes, as it is a presence/absence of living trees with stems <5cm DBH within each 20m x 20m plot. Only presence or absence is entered the BAM Calculator.

3. Streamlined assessments and entities at risk of a serious and irreversible impact (SAII)

The use of streamlined assessment pathways do not remove the requirement in section 7.16 of the Biodiversity Conservation Act 2016 (BC Act) to consider whether a SAII may occur as a result of a proposed development. Consequently, any entity at risk of a SAII on the subject land must be fully assessed. These entities are identified in the OEH [Guidance to assist a decision-maker to determine a serious and irreversible impact](#) and in [BioNet](#).

For species that are at risk of a SAII, a threatened species survey is required to be completed in accordance with section 6.5 of the Biodiversity Assessment Method (BAM). If such a species is present, the assessor must address the impact assessment criteria in section 10.2 of the BAM in the biodiversity development assessment report.

Where a proposal impacts an entity at risk of a SAII, the consent authority will determine whether the impact is likely to be serious and irreversible. Local development likely to have a serious and irreversible impact on biodiversity values must be refused.

4. Serious and irreversible impacts must be considered for impacts on TEC's below the offset threshold

Section 10.3 of the BAM provides that the number of class of biodiversity credits need not be calculated where the vegetation integrity score of native vegetation is below certain thresholds.

This threshold does not extinguish the requirement in section 7.16 of the BC Act to consider SAIIs associated with a proposed development. If an entity at risk of a SAI is present, the assessor must address the impact assessment criteria in section 10.2 of the BAM in the biodiversity development assessment report.

Where a proposal will impact an entity at risk of a SAI, the consent authority must determine whether a serious and irreversible impact is likely to occur. Local development likely to have a serious and irreversible impact on biodiversity values must be refused.

5. The role of the consent authority in assessing a Biodiversity Development Assessment Report (BDAR)

A development application must be accompanied by a biodiversity development assessment report (BDAR) if it is likely to significantly affect threatened species (s7.2 of the BC Act). A consent authority is required to consider the impact of the development on biodiversity values as assessed in the BDAR (s7.13 of the BC Act). A BDAR must be prepared in the accordance with the BAM (s6.12 of the BC Act).

In fulfilling the requirement to consider the impact of a development on biodiversity values as assessed in the BDAR, it is up to the consent authority to decide the extent to which they interrogate the inputs in a BDAR and its consistency with the BAM. As a decision maker under the Environmental Planning and Assessment Act 1979, the consent authority is entitled to review and consider facts relevant to a development application in evaluating the application. Consent authorities, or their delegates, do not need to be accredited in the application of the BAM to critique a BDAR.