

BAM Assessor Up-date – Number 19 – July 2019 (this went out as update 18)

1. Improving BAM support – opportunity for your input

The Department of Planning, Industry and Environment (formerly OEH) is looking at different ways in how we can best support the work of accredited assessors in applying the BAM.

The attached link (<https://www.surveymonkey.com/r/Accredited-Assessor-Feedback>) provides an opportunity for accredited assessors to identify any specific topics and areas of the BAM where you would like more detailed information, also to tell us how you prefer to stay up to date. The survey is very brief and will take approximately 5 minutes to complete.

This survey is open **now** and will close on **Friday 2nd August 2019**. All information collected in this survey will be handled in accordance with our privacy policies. Details on how we handle private information can be found at: www.environment.nsw.gov.au/whoweare/privacy.htm

Should you have any questions or require clarification on any content within the survey, please direct your enquires to lmbc.support@environment.nsw.gov.au (attention Casey Edwards)

Thank you for participating in our survey. Your feedback is important.

2. Amending offset obligations for approved DA's or submitted applications

A number of LGA's have recently notified DPIE of cases where the BDAR is recommending that species credit obligations may be removed at a 'late date' if further targeted surveys are undertaken, including as part of pre-clearing survey work.

A biodiversity development assessment report (BDAR) is final once it is submitted with a development application. Where an accredited assessor has made a decision to assume presence for a species, the retirement of species credit for that species will be included in the consent conditions as part of the biodiversity offsetting requirements for the project. The credit obligations must be retired before works can commence. This is specified in the development consent conditions.

Any subsequent amendment to the impact assessment in the original BDAR that includes further assessment and a revised credit obligation will be treated by the consent authority as a modification of the consent condition. If a revised BDAR is submitted as a modification to a development consent, the assessment will have to comply with any recent changes to the BAM, unless the revised BDAR is prepared during the designated period after the method is changed and the report states that it has been prepared on this basis.

Any further survey and impact assessment undertaken as part of a modification must take into consideration any updates the data and information published by DPIE including Bionet Vegetation Classification, Threatened Biodiversity Data collection, recently published survey guidelines, Bionet Atlas, and the BAM Calculator.

3. Removing candidate/predicted species from lists generated by BAM-C

DPIE has received a number of enquiries from consent authorities about when an assessor can remove a species from the candidate (species credit species) and predicted lists generated by the BAM-C. The assessment requirements are set out in Steps 2 and 3 of chapter 6 of the BAM.

Any species can be taken off the list if the species:

- a) has habitat constraints listed in the Threatened Biodiversity Data Collection (TBDC) and none of these constraints are present on the site. Documentation in the Biodiversity Assessment Report should reflect the TBDC information and evidence that the features are not present (field reconnaissance will be required)
- b) is vagrant to the area. Vagrancy is taken as the record being well outside the species range or natural distribution. The suspect record will need to be reviewed against the species known distribution and the assessor will need to confirm with species experts that it is likely to be a vagrant. If agreed by experts the assessor should contact DPIE to have the record quarantined from BioNet Atlas and re-labelled as vagrant. The BAR will need to contain supporting information such as who was contacted, when, their credentials and the resultant response from DPIE.
- c) is unable to use the habitat constraints listed in the TBDC, or known microhabitats that the species requires to persist on or use because the habitat constraints are degraded to the point where the species will no longer be present. Evidence in the BAR could include reference to the attribute scores for in the vegetation integrity assessment to illustrate the poor condition of the site. Other information sources include peer-reviewed or other published information relating to the microhabitats the species, photographic evidence and maps etc that illustrate these features are significantly degraded.