

If you have questions not addressed in this document, please first check the [Assessor Resources](#) and [Local Government Resources](#) webpages.

If you require further assistance, please email BAM.support@environment.nsw.gov.au.

Questions and Answers

Topic: BAM 2020 Transitional arrangements

What are the transitional arrangements for Biodiversity Assessment Method (BAM) 2017 and BAM 2020, and where can I find more information? How progressed must a DA be to utilise the transitional arrangements for BAM 2017?

The purpose of the transitional arrangements are to minimise disruption for accredited assessors in the preparation of their Biodiversity Assessment Reports (BARs) following the introduction of BAM 2020, which came into effect on 22 October 2020. Under the transitional arrangements, BAM 2017 can continue to be used for up to 12 months for major project and non-strategic (standard) biodiversity certification proposals (until 22 October 2021), longer for strategic biodiversity certification proposals, and up to 6-months for all other proposals (until 22 April 2021). More information on the transitional arrangements for BAM 2020 can be found on the [BAM 2020 website](#).

With respect to how progressed a DA needs to be to utilise the transitional arrangement, as long as the development application has not been approved the proponent can choose to apply either BAM 2017 or BAM 2020 until April 2021. An email update was sent to Local Government subscribers on 19 October and an attachment outlining some scenarios and the steps Councils need to take depending on which scenario applies. This information is also available on the BOS Local Government Resources website, under implementation support, [Local Government updates](#).

Will proponents who have concerns about their assessment undertaken under the planted native vegetation module, but who have already submitted their Biodiversity Development Assessment Report (BDAR) have the opportunity to recalculate and revise their submission for a development application?

As long as the development application has not been approved, the proponent still has the option to continue to apply BAM 2017 or use the new planted native vegetation module from BAM 2020. However, proponents must choose to apply the whole of BAM 2017 or the whole of BAM 2020. Therefore, the proponent in this case would need to apply BAM 2020 to the entire BDAR. Please refer to the [attachment](#) to the local government update for the scenarios available to proponents and what council staff need to do.

For Stewardship sites already submitted, with the audit complete and draft agreements prepared but not yet signed, does the assessment have to be re-allocated back to the assessor to update to BAM 2020 at client cost or does the Biodiversity Conservation Trust (BCT) do this through backend? If an assessor must resubmit how does this affect timelines to completion, and will such reapplications be fast tracked?

Accredited assessors of applications that have been submitted to the BCT at any stage of the application process will have received advice and instruction from the BCT on to how to apply BAM 2020. Accredited assessors in this position need to contact the BCT who will reallocate the case back to the accredited assessor. BCT staff will not make any changes to the case in the

BAM calculator (BAM-C). It is a quick process for an assessor to update the case in the BAM-C resubmission of the updated credit report and updated BDAR, with minor updates to the number of credits generated.

If a variation proposal is put forward for an executed BSSAR, to take advantage of BAM 2020, I'm not clear about how long this process takes or what steps are involved. Does the Biodiversity Stewardship Agreement (BSA) have to be re-executed, for example?

Variation of an executed agreement to take advantage of BAM 2020 is only possible for BSA applications finalised immediately prior to the finalisation of the BAM 2020, where consultation occurred with the BCT and agreement was reached on this approach before the BSA was executed. Other BSAs prepared in accordance with BAM 2017 will not be varied to increase the number of credits available under BAM 2020. It is recommended that you contact the BCT to discuss whether an agreement can be varied to apply BAM 2020 and the steps involved.

What is the current status of the BAM 2020? Where can I find the BAM 2020 Order online?

There is a notification on the NSW Government website for the week starting 19 October that the BAM 2020 has effect as of 22 October 2020. The [BAM 2020 Order](#) is now available online.

Topic: BAM Calculator and BAM 2020 transitional arrangements

Can you provide a demonstration on how to update the cache so that BAM Calculator (BAM-C) updates properly to reflect the changes under BAM 2020?

Please refer to the [BAM-C release notes](#) included in the [special edition of the assessor update](#) sent out last in October announcing the release of BAM 2020. On the second page of the release notes there is a link to a website that provides step by step instructions for how to update the cache, including screen shots.

Will the changes to BAM-C have implications for transitional projects?

There are likely to be no implications when completing a BAR using BAM 2017 for the majority of BAM assessments, including Part 4 developments or major projects. There have been a range of other enhancements made to the BAM calculator that weren't part of the BAM 2020 changes. These include the use of the same PCT twice and including additional information in the reports produced by the BAM-C.

However the BAM-C modules for scattered trees and small areas has changed under BAM 2020. If you want to apply BAM 2017 for small area assessments or scattered trees you will need to contact us at [BAM support](#).

To apply BAM 2017 to stewardship sites please contact the [Biodiversity Conservation Trust \(BCT\)](#).

I have just found out that a BDAR completed in late 2019, with the BAM-C report finalised and submitted, must now be updated as the Council has not yet assigned a DA number (DA as yet not accepted by Council). I assume I can update according to BAM 2017, but how do I apply the BAM-C functions for BAM 2017?

The transition arrangements in the BC Regulation enable either BAM 2017 or BAM 2020 to be applied for a designated period after the BAM is changed. The BAM

Changes to the BAM-C as a result of BAM 2020 have occurred for streamlined assessments revised by the BAM 2020 release (e.g. scattered trees). Work arounds to enable continued application of BAM 2017 settings to these type of assessments have been provided in [BAM-C release notes](#).

Other updates to the data referenced by the BAM-C have occurred since late 2019. These updates may have resulted in changes to credits associated with your assessment. This is due to updates to list of potential SAI entities and/or imports of data affecting biodiversity risk weightings for particular threatened entities. It is important to check if these updates have affected the credit requirements of the case in BAM-C before it is re-submitted.

Topic: Serious and Irreversible Impacts (SAIs)

Can you assume presence or get an expert report for a species at risk of Serious and Irreversible Impact (SAII)? It would seem impossible to complete section 9.1.2 of the BAM without doing a targeted species survey.

To address the additional impact assessment requirements for a threatened species at risk of SAI (section 9.1.2 of the BAM) targeted survey for this species or an expert report would generally be required. If the latter is used the expert would need to justify their opinions based on evidence documented in their expert report. We do encourage survey particularly for impacts on entities at risk of SAI as they are considered to be at an increased risk of extinction from development and clearing impacts.

Is the Department going to provide supporting information for SAI assessments? Where and when can we access it?

Yes. The Department is preparing a dataset of supporting information to assist accredited assessors in undertaking the additional impact assessment for threatened species and ecological communities at risk of SAI (BAM 2020 9.1). We expect to release the first version by the end of the year. If an assessment requires this data prior to being published, please contact BAM support mailbox specifying the entities being assessed for a potential SAI.

Topic: BAM 2020 Supporting Documents

Will the practice note, 'Guidance for local government on undertaking a critical review of a Biodiversity Development Report' be updated as part of BAM 2020?

The Department is preparing a standard BDAR template that is anticipated to be ready in the first quarter of 2021. As part of this process, we are considering updates to the information that's currently in the practice note and whether it can be imbedded into the BDAR template. At this stage, there are 2 possible outcomes: 1) the BDAR template will replace the practice note or 2) we will update the practice note to align with BAM 2020. The preferred option will be decided after internal consultation on the draft BDAR template has been completed.

Where do we find the 'widely cultivated native species list'? When will the list for the scattered trees and planted native vegetation streamlined assessment modules be published?

The widely cultivated native species list is not available yet. It has been drafted and the Department is currently working through the process for internal review and approval. We anticipate that it will be available in the first quarter of 2021. Once finalised, it will be published on the BAM Calculator home page with the high threat weeds list.

Is there an opportunity for site specific negotiation of targets for High Threat Weed (HTW) cover for species not on the manageable list if a case can be made that a different level of management of that will still achieve the outcomes? How can we request the addition of a species to the manageable HTW list?

The process for determining the high threat weed species capable of being managed based on good current evidence was an intensive process that leveraged a lot of relevant expertise. That is not to say that as other species emerge into the future that they won't also be considered.

However, a high threat weed species must already be listed on the manageable list prior to an application being submitted in order to be considered manageable for the purposes of that application. If there's a species of particular concern that you are seeking to add to the manageable HTW list please contact [BAM support](#).

Is there a schedule to update the Operational Manual Stages 1 and 2 to reflect BAM 2020?

Yes. Stage 1 has been drafted and is anticipated to be published by the end of 2020. Stage 2 will also be updated and is anticipated to be published in the first quarter of 2021.

Topic: Planted native vegetation (streamlined assessment module)

How do I implement step 1 in the decision-making key in the Planted Native Veg module)? Please provide clarification of the planted native vegetation module, especially point 1 in the flowchart

The first step of the planted native vegetation module to identify cases where an area of vegetation is largely intact but where there has been some planting of other native species into that vegetation. In those circumstances the accredited assessor still needs to identify the best fit plant community type (PCT) and then apply the BAM as normal rather than continuing through the decision-making flowchart, as it's largely intact vegetation. As always, assessor judgement is required in these circumstances so email [BAM support](#) if you have questions about this.

Can the Planted Native Vegetation module be used for amenity gardens?

If you work through the Planted Native Vegetation module, the likely scenario would be that the module would apply to amenity gardens. It does not have to be species that are outside of the range of where the species is normally found, it can be local species that are planted in that context. Now that the module is in the BAM 2020 ([Appendix D: Streamlined assessment module-Planted native vegetation](#)) you can apply it.

Topic: Scattered trees assessment (streamlined assessment module)

Is 100 per cent exotic vegetation for scattered paddock trees a fair and reasonable threshold? You will always find a few native species at very low cover even in cropped/pasture improved paddocks. Is 80 or 90% a better threshold?

The previous definition for scattered trees was around 50 percent native and given there is really no ecological basis to the 50 percent, this led to this new definition. If an area of vegetation is 80 to 90 percent exotic, then there may be other parts of the assessment that cause the proposal to fall below the threshold for when the impact requires an offset. Native vegetation that is in degraded condition will be reflected through the vegetation integrity score. The streamlined assessment module – scattered trees includes three definitions of when the scattered tree module may be applied.

Does the increase to 100 per cent cover requirement for non-native species to be assessed as scattered trees mean that when scored in a plot with say five to ten per cent native vegetation cover, the vegetation integrity metric scores so low that the trees will no longer generate an offset in their own right, even if some of the trees contain hollows?

Application of the module is highly contextual. The likelihood of this scenario will depend on the condition assessment of what the other attributes are for composition structure and function, whether that's below the threshold or not. That will play out differently for different PCTs and benchmarks and the dynamic weighting that is in the vegetation integrity score.

Do you need plots to justify that the groundcover is 100 per cent exotic to justify using the scattered tree module?

Whilst the BAM does not specify that you need plots, justification is needed to the satisfaction of the consent authority. Native vegetation (scattered trees) that are surrounded by category 1 land on the native vegetation map is an example of where plots may not be required.

With respect to the scattered tree module, it seems that there are circumstances where the paddock tree module applied but now won't under BAM 2020 and instead the normal BAM applies for these areas. If an area is low condition when assessed by plots, I assume that these trees will no longer need to be offset. Is this the intended purpose of the changes?

To date the paddock tree module has not been widely used. BAM 2020 altered the definition of 'paddock trees' to broaden the application of the module beyond 'paddocks' and in peri-urban and urban settings. There will be situations where the application of the 'standard' BAM will result in a vegetation integrity score below that required for offsetting but the scattered tree module, if applied, would result in a credit obligation. We expect this to occur in very limited situations however we would appreciate feedback on the application of the scattered tree module. The Department will use this to inform future reviews of the BAM.

It is worth noting that the application of the 'standard' BAM will require the assessment of species credit species even where vegetation integrity scores fall below the offset thresholds (see section 9.2.2 of the BAM).

In Section B.1 A scattered tree is now considered to be have a DBH (diameter at breast height) of greater than or equal to 5 cm. Where does this number come from as it sounds

more like recruitment? Also, this covers off on nearly any species of tree (and many shrubs) regardless of its end product when mature.

The previous 20cm DBH was a carryover from the *Native Vegetation Act 2013*, where any tree with a DBH of <20cm was considered regrowth. The BC Act requires the assessment of all native vegetation regardless of its state to maturity or DBH.

The BAM refers to any tree species (from the tree growth form group) that is <5 cm diameter (regardless of height) to be regarded as tree regeneration. Therefore any stems ≥ 5 cm diameter is considered a tree.

Topic: Credits

Does the introduction of BAM 2020 affect the number of credits required by a development/clearing proposal, or just the number generated at a BSA site?

There are no changes to the inputs that determine credits on a development or clearing proposal (the side that determines the offset obligation). There are only amendments that may change the number of credits generated at a BSA site.

A bug in the BAM-C related to the stem size classes that is now corrected will affect some development or clearing proposals. The bug meant that the BAM-C wasn't correctly referencing the benchmark where the stem size class benchmark for particular communities was either less than or greater than four. When you open the affected proposals, the BAM-C will indicate that there has been a change to the benchmark for stem size classes. This may have a minor effect on the number of credits required for a development proposal.

Is a review of the 'assessment of equivalence' credits that have been undertaken under BAM 2017 to be done to bring them into BAM 2020 equivalence? The new process identifies a number of increased credit generation situations that will apply, especially related to the presence of manageable High Threat Exotics (HTE).

The assessment of reasonable equivalence is provided for in the Saving and Transition Regulation. The process allows credits that were determined under the *Threatened Species Conservation (TSC) Act 1995* to be used in the *Biodiversity Conservation (BC) Act 2016*. The Department has published information on the factors that the environment agency considers when reviewing requests for reasonable equivalence, and that includes outcomes from the biobanking assessment translate into outcomes from applying the BAM.

As there hasn't been any changes to the equation for how we determine the number of credits, nor have the attributes that determine the credit profile for an offset trading group changed, it is unlikely that there would be any changes that would result in a different outcome under reasonable equivalence.

From the development of BAM 2020, and the update of BAM-C in calculating credit generation on BSSARs, what are your results suggesting will be ratios between credit requirement at developments vs credit generation at BSSARs? Have you looked at the

same area of land and applied as impact and offset to see the difference in credit requirement/generation?

The Department has not undertaken that kind of analysis, In past experience that approach has thrown up perverse or unexpected outcomes. Instead, our analysis was on a comparison of the credit outcomes being achieved under BAM 2017 and the outcome likely to be achieved under BAM2020. This showed that the changes to the stewardship assessment have the potential to increase credits compared to under BAM 2017. The extent will play out differently in offset ratios based on what the development impact is, and the context of the BSSAR.

The Department will continue to monitor the outcomes from BAM 2020, including offset ratios.

Topic: Assessing the habitat suitability for threatened species

Please clarify with examples the definition of 'microhabitat' and level of evidence required to discount presence of microhabitats with regards to [BAM 2020 Section 5.2.3, Step 3: 2.a.](#)

Microhabitat is defined in the [BAM 2020 Glossary](#). The clarification mentioned above in BAM 2020 has been added in response to assessors wanting to use the information in order to determine whether a survey is required and whether a particular species is likely to occur at a particular site.

Documented evidence is required for microhabitats that a particular species is reliant on, including published information or reports that need to be included in the BAR. Supporting evidence that a particular species is associated with those microhabitats and is reliant on them in order to use or be present on the site. A field assessment would be required to determine whether those microhabitats are present or not. The evidence to determine if they are degraded, could be in the form of the Vegetation Integrity (VI) assessment if that includes particular elements of vegetation, photographic evidence, or other forms of evidence that an assessor can collate to make it clear to the consent authority that those microhabitats are absent or degraded.

Specific examples of this will be provided in the revised version of the Stage 1 Operations Manual that is due to be released at the end of the year, and this will assist in determining whether an assessor has sufficient evidence or direction as to how this evidence should be presented.

Topic: Rate of averted loss

Why have the rates of decline changed, what is the justification behind this?

The changes came about after a number of concerns were raised regarding the low number of biodiversity credit yields for some biodiversity stewardship agreements. After analysing a range of cases, we identified opportunities to improve the BAM gain model. The changes provide a consistent and more robust approach to estimating the gain in biodiversity values. Further details on what those changes are and why they were made is available in the [Biodiversity Assessment Method 2020 – What's New?](#) presentation recording (from minute 16:40).

Topic: Training

Can someone please advise if and when a new round of "Muddy Boots" training is going to be organised?

DPIE is working with Greencap, the current training provider, to update the content and delivery style of the Biodiversity Assessment Method (BAM) assessor training for new assessors. Greencap will communicate directly with those interested in attending the training, which we anticipate recommencing before the end of 2020. Information about refresher training for renewal of accreditation will also be sent out before the end of the year.

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (19 February 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.