

Questions and Answers

Topic: Biodiversity Assessment Report (BDAR) Preparation

Is it sufficient for a BDAR to state that surveys have been carried out according to New South Wales survey guides? How much detail is necessary?

Whilst surveys are to be carried out in accordance with NSW survey guides it is insufficient to state this in the BDAR. The BDAR must document and justify survey timing, method and effort. Survey outcomes must also be reported, including field data sheets and GPS coordinates of any plots, transects etc. Detailed information on Biodiversity Assessment Method (BAM) survey requirements can be found within:

- Subsection 5.2.4, section 5.3 and Appendix K (Table 24) of [BAM 2020](#);
- Subsection 4.4.4 of BAM 2020 Operational Manual – Stage 1 [BAM 2020 Operational Manual – Stage 1](#);
- BAM survey guides for threatened species (see [Surveys and assessments webpage](#)); and
- Threatened Biodiversity Data Collection (TBDC), accessible from the [BioNet website](#).

Subsection 5.1.2 BAM 2020 states that a survey or an expert report is adequate for a threatened species. Are there any guidelines required for endangered populations?

Where an endangered population is for a species that is also listed surveys should follow the requirements for the associated species. For example, survey requirements provided in the BAM survey guides for threatened species and any specific survey requirements in the 'General notes' field of the Threatened Biodiversity Data Collection (TBDC) for the endangered population.

For endangered populations where the species is not listed as threatened, survey requirements can still be found in the relevant survey guides. For example, section 3.1 of the [NSW Survey Guide for Threatened Frogs](#) outlines the requirements for assessing the endangered population, *Adelotus brevis*. If the Department of Planning, Industry and Environment (the Department) has not published any relevant guides, use best-practice methods that can be replicated for repeat surveys (subsection 5.3.2 BAM 2020).

Contact BAM.Support@environment.nsw.gov.au for further survey requirement enquiries.

Topic: Consent Authorities

Can the consent authority access the BAM Calculator (BAM-C) assessment when a BDAR is submitted? For example, when a BDAR is lodged with a Development Application (DA) to the local council.

A consent authority will require a Biodiversity Offsets and Agreement Management System (BOAMS) account to access a case (and the associated BAM-C assessment) when it is submitted. A consent authority can email the Department at BAM.Support@environment.nsw.gov.au to request an account if they do not already have one.

For the consent authority to login to BOAMS and view the case, the accredited person (assessor) must:

- add the Council or consent authority as a case party to the relevant BOAMS parent case,
- finalise the BAM-C assessment, and
- submit the BOAMS parent case.

Once the above steps are complete, the consent authority will receive a BOAMS system notification that the case has been submitted via the email linked to their account. Alternatively, the assessor can provide the BOAMS case number to the consent authority.

Can a council reject a proposal on the basis of serious and irreversible impacts (SAIL)? What about when there is a difference in opinion about the context? For example, consideration at a bioregional or local level. Can this disagreement be adjudicated by anyone other than the Land and Environment Court?

Yes, a consent authority may refuse to grant approval based on a serious and irreversible impact (SAIL). The effect of a SAIL determination on the approval of a proposal is dependent on the type of development or activity - refer to Table 1 in [Guidance to assist a decision-maker to determine a serious and irreversible impact](#). For example, the approval authority **must not** grant approval for a development assessed under part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act, that is not State Significant Development or State Significant Infrastructure) if they determine the proposal is likely to have an SAIL on biodiversity values.

It is the role of the decision-maker (including consent authorities) to determine whether a proposed impact on biodiversity values is likely to be serious and irreversible. This decision is to be made in accordance with principles set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017* (BC Regulation). The [Guidance to assist a decision-maker to determine a serious and irreversible impact](#) includes criteria and supporting information to assist with the application of these principles. See [Serious and irreversible impacts of development on biodiversity](#) for more information.

The process of the DA assessment, and review of any accompanying BDARs, is governed by the EP&A Act. Therefore, the usual consent authority powers, appeal rights and processes apply.

Topic: Plant Community Types (PCTs)

What do you recommend when dealing with planted native vegetation that cannot be conclusively attributed to a PCT?

Refer to the Streamlined assessment module - Planted Native Vegetation (PNV) in Appendix D of [BAM 2020](#).

This module provides a framework for the assessment of planted native vegetation using the BAM. A series of criteria are used to determine whether the vegetation can be assessed using the streamlined assessment module – PNV, or must be assessed under Chapters 4 and 5 of the BAM 2020.

The module considers a range of scenarios including where PNV cannot be reasonably assigned to a PCT known to occur in the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion as the proposal (see Appendix D.1.1).

Will the new Eastern NSW PCT Classification apply to the BAM when released on BioNet?

Not immediately. It is anticipated that the Eastern NSW PCT data, vegetation mapping and PCT identification tools will be released four to six months before upload to the BAM-C to allow assessors time to become familiar with the new PCTs before they apply to the BAM. The Department will provide transitional arrangements to minimise impacts to in-progress assessments.

The TBDC is showing new PCT ID numbers over 3000. Are these related to the new Eastern NSW PCT classification?

Yes, recent updates to the TBDC associated with the Eastern NSW PCT Classification added new PCT IDs (with new numbers) to the species profile in the vegetation tab. These are not currently operational and are for Department use only. As noted above, the BAM will not apply these new data for some time after the initial release, so please ignore those that have a status of 'new'. The current PCT IDs that apply to the BAM are those with the status 'in progress' or 'complete'.

What are the survey requirements for Glossy Black Cockatoos?

Assessors should follow guidance provided in the 'General notes' field in TBDC to inform their survey approach. The TBDC is part of the BioNet database, published by the Department and accessible from the [BioNet website](#).

The Glossy Black Cockatoo (*Calyptorhynchus lathamii*) is a dual credit species. Part of its habitat is assessed for species credits (breeding habitat) and remaining habitat is assessed for ecosystem credits (foraging habitat, see subsection 5.1.3 BAM 2020). It is only necessary to survey for Glossy Black Cockatoo breeding habitat. The TBDC prescribes a step-based approach for identifying potential nest trees and signs of breeding, confirming nesting, and preparing any subsequent species polygon. In the

absence of published survey guidance, assessors undertaking a species survey must use best practice methods which can be replicated for repeat surveys (see subsection 5.3.2(c) of BAM 2020). The assessor must document the sources used to develop the survey approach, such as the TBDC 'General notes' field.

Refer to the answer to the first question for details that must be included in the Biodiversity Assessment Report (BAR).

Topic: Resources and Training

Are there any assessor training courses proposed?

Yes, assessor training has recently relaunched as 13 online modules and four days of practical work. An online course will also apply to renewals. Information on [applying for assessor accreditation](#) is available on our website. Upcoming training courses can be viewed on the Muddy Boots Environmental Training webpage at [Biodiversity Offsets Scheme Training](#).

The Department is currently exploring additional Local Government training options. The change to online learning presents an opportunity to explore options for Local Government training, and provision of modules to those already accredited.

Where do we find the answers to previous Biodiversity Offsets Scheme (BOS) Support webinar questions?

Participant questions asked throughout [BOS Support webinars](#) and addressed during the Q&A session and made available online as a PDF in the description below each [presentation](#).

Where can I get a high-resolution PDF of the BAM data sheet?

Example data sheets are provided in the Appendix B to the [BAM 2020 Operational Manual - Stage 1](#).

Is there any information on the website for public authorities that decide to prepare a Species Impact Statement (SIS) rather than a BDAR? Is it still an option under part 5 of the *EP&A Act*?

Yes, if the proponent does not opt-in to the BOS and their proposed activity will have a significant impact or will be carried out in an Area of Outstanding Biodiversity Value (AOBV), they must prepare a SIS and seek concurrence from the Environment Agency Head. Information about [assessing biodiversity impacts of Part 5 activities](#) is available in the [Local Government and other decision makers](#) section on the recently the updated [BOS webpages](#).

The content required for an SIS is set out in clause 7.6 of the [BC Regulation](#).

Is the Widely Cultivated Native Species list available?

No, the Widely Cultivated Native Species list is still under development. Once complete, it will be published on the Department's website.

In the interim, if an assessor is applying the BAM 2020 streamlined assessment module for scattered trees assessment (Appendix B) or planted native vegetation (Appendix D), please email BAM.Support@environment.nsw.gov.au to check if the native species in question will be on the list.

Widely cultivated native species are defined in the BAM 2020 Glossary as a variety of a native species developed in cultivation, usually for the purposes of agriculture, forestry or horticulture, and which, when reproduced retains its distinguishing features, and any native species listed on the high threat weeds list published in the BAM-C.

Topic: BAM Calculator (BAM-C)

What does the 'other' checked box in the habitat constraints column in the habitat suitability assessment tabs of the BAM-C relate to?

The BAM-C tab '4. Habitat suitability: Predicted' and tab '5. Habitat suitability: Candidate' contain the list of ecosystem credit species and species credit species for a BAM assessment, respectively. For species where the 'other' checked box in the habitat constraints column is ticked, the assessor must review the information in the 'habitat constraints' and 'General notes' fields of the TBDC (view the 'Assessment' tab within 'Ecological data').

For example, the 'other' checked box field for the Square-tailed Kite (*Lophoictinia isura*) relates to 'nest trees' and the TBDC 'General notes' field defines breeding habitat and details steps to confirm a breeding site for this species.

What happens if changes to a BAR are thought to be required after the BAM-C assessment is submitted, but once the BAM-C assessment is reopened the changes are no longer required? Can the BAM-C assessment just remain in progress and the original BAR and associated BAM-C remain as valid?

No, the BAM-C assessment cannot be left in progress, it should be re-finalised in the system. If there are no changes to the BAR and it was valid when initially submitted, it would remain valid. Please email BAM.Support@environment.nsw.gov.au if you require further advice on a specific BOAMS case and/or BAM-C assessment.

Is the submission of a BDAR where the BAM-C has not been finalised inconsistent with the BAM and the assessors' code of conduct?

Yes. The BAM-C biodiversity credit report that is included in a BDAR or Biodiversity Certification Assessment Report (BCAR) submitted to a decision-maker must have a

status of finalised (subsection 10.1.1(8) BAM 2020). The BAM-C biodiversity credit report must be finalised to comply with the certification requirements under the *Biodiversity Conservation Act 2016* (BC Act) to ensure that the assessment is based on data that is current within 14 days of submission.

Whilst the Department acknowledges that an assessor's failure to appropriately finalise the BAM-C biodiversity credit report may be a genuine oversight or mistake, repeat incidents or intentional failure to address requirements may be investigated as a potential breach of the assessor's code of conduct.

Refer to [Accredited assessor quality assurance and feedback](#).

Topic: BAM 2017

What evidence should be provided to justify the exclusion of a species from assessment?

Assessors are required to assess habitat suitability for threatened species (Section 5.2.1-6 of [BAM 2020](#)). Assessors can manually apply relevant geographic limitations to exclude species, where applicable (Subsection 5.2.1 of BAM 2021). Other species may be excluded where assessors are able to justify that:

- There is no suitable habitat for a threatened species with reference to relevant criteria in 5.2.1(2) of the BAM. However, any recorded presence of a threatened species on the subject land requires that species to be assessed,
- A threatened species is unlikely to occur on the subject land with reference to relevant criteria in 5.2.2(2) of BAM 2020, or
- A candidate species credit species is considered unlikely to occur on the subject land if the criteria in 5.2.3(2-3) of BAM 2020 applies.

For each species that is removed from the assessment, the BDAR must document, along with the reason, a detailed and evidence-based justification.

A report available in BAM-C will outline the list of species that have been removed from the predicted/candidate list by the assessor. It should be attached to the BDAR or BCAR to demonstrate consistency between information in the report and the BAM-C.

Biodiversity Assessment Method Operational Manual – Stage 2 is currently under development. This will provide further practical guidance for assessors on how to justify excluding species.

Topic: Biodiversity Offsets and Agreement Management System (BOAMS)

The file upload function in BOAMS has a size limit which is sometimes exceeded. Will this be fixed?

It is a requirement to submit all digital data associated with a BAR to the decision-maker (see Appendix K BAM 2020). The Department acknowledges that the file upload

capacity in BOAMS is limited, meaning that some files exceed the limit and cannot be uploaded.

The functionality of BOAMS is subject to continuous improvement and the file upload size limit is currently listed for a future enhancement. Until the issue is resolved, the Department recommends that, where files exceed the upload limit in BOAMS, the files are sent directly to the decision-maker in an agreed format (i.e. zip file or another large file transfer option).

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