NSW GOVERNMENT

Department of Planning and Environment

Compliance Audit of Accredited Assessors Report
Audit Project 2020–21

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Introduction

In 2020–21, the Department of Planning Industry and Environment (now the Department of Planning and Environment) conducted a compliance audit of Accredited Assessors (Compliance Audit) across New South Wales. The department initiated the audit as part of our commitment to continuous improvement and providing assurance.

This report provides a summary of the key findings and recommendations from the Compliance Audit, which were delivered as part of the department's 2019–21 compliance audit program.

The audit findings will be used to improve the operation of the Biodiversity Offsets Scheme (the scheme), assessor accreditation program, and further strengthen the regulatory framework for compliance under the *Biodiversity Conservation Act 2016* (BC Act). The key outcomes of the Compliance Audit have resulted in the identification of key recommendation themes to improve the implementation of the scheme across New South Wales.

Background

The Biodiversity Offset Scheme (the scheme) was established under the BC Act and is the framework for offsetting unavoidable impacts on biodiversity from development with biodiversity gains through landholder stewardship agreements.

Under the BC Act, assessors must be accredited to apply the Biodiversity Assessment Method (BAM). The BAM is applied to all development or clearing applications that are enter the scheme as well as sites where a landholder proposes to enter a Biodiversity Stewardship Agreement (BSA). The accredited assessor documents the results of the biodiversity assessment in a Biodiversity Assessment Report (BAR). A proponent must provide a BAR to the decision maker as part of their development, clearing activity or biodiversity certification or to the Biodiversity Conservation Trust (BCT) for a stewardship site application. The decision maker will use the information in the BAR to decide on whether to approve the development or BSA application.

The accreditation scheme is designed to ensure that the BAM is applied by people with appropriate ecological skills, knowledge and experience, and a demonstrated understanding of the method.

The department is responsible for accrediting assessors under the scheme. The detailed arrangements for the accreditation scheme are set out in the *Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017* (Accreditation Scheme Order 2017).

At the commencement of the audit, there were 370 accredited assessors on the public register (February 2020), including 297 within a private consultancy (ecological or other) and 73 within government agencies (state government, local government, or other government departments).

Audit scope

This Compliance Audit was conducted by the department during 2020–21 in accordance with section 20 of the Accreditation Scheme Order 2017, which may include:

> (1) compliance by an accredited person with the conditions of their accreditation, or
>
> (2) biodiversity assessment reports prepared by an accredited person, or
>
> (3) the application of the BAM by an accredited person.

Audits are one of the tools used to ensure assessment quality. This audit is one of a range of measures under the Biodiversity Offsets Scheme that provide an overall framework to manage quality and assurance of assessments undertaken by accredited assessors.

As the first compliance audit of accredited assessors, this audit has focused on biodiversity development assessment reports (BDARs) undertaken by accredited assessors in relation to council development applications (DAs) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The objectives of the Compliance Audit were to:

- evaluate accredited assessor compliance with select accreditation conditions including applying aspects of the BAM
- support accredited assessor to comply and deter non-compliance, to improve biodiversity assessment and report quality
- gather strategic intelligence to assist the department to better understand the practical operation of this area of the scheme.

This audit aimed to assess compliance, identify opportunities for education and ongoing scheme improvement, as well as identify areas to target for future audits.

Audit method

This audit focused on council DAs that had entered the scheme and required a BDAR. A BDAR data request was sent out to the 128 councils across New South Wales from February 2020 to September 2020. Across the state 40 councils received 139 undetermined DAs with BDARs.

Undetermined DAs with BDARs were chosen to ensure that the audit did not interfere with the council DA determination process under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A set of audit rules were applied to the 139 undetermined DAs with BDARs to assess whether the BDAR met the rules and were eligible to be part of the audit. The BDARs that did not meet the audit rules included:

- BDARs in the last stage of council DA assessment process (council assessment completed and drafted conditions)
- BDARs rejected by council
- any known contentious BDAR (BDAR was or likely to be part of a Land and Environment (L&E) Court proceeding or BDAR was part of complaint to the department).

On application of the audit rules, 60% of the BDARs (83) were eligible for further consideration. These BDARs were then further reviewed on a region by region basis to identify the number of BDARs per region required to meet a minimum of 10% representative sample.

A representative sample of 16% (13 BDARs) were audited across New South Wales, with samples across each region ranging from 10% to 100% depending on the number of BDARs that met the sample rules. 18% of the total number of accredited assessors (65/370) had certified the 83 eligible BDARs considered as part of the representative sample for this audit. 20% of accredited assessors (13/65) were formally audited as part of the audit process.

Of the audit samples, 69% of development sites (9/13) were less than 5 hectares (ha) in size with the majority of development sites (54%) between 1 to 5 hectares (ha) in size. Overall, development sites ranged from 0.81 ha to 39.38 ha in size.

Of the BDARs audited, 62% (8/13) were certified by an accredited assessor that had not been previously accredited under the Biobanking scheme. More than half (54%) of the audited BDARs (7/13) had been prepared by a team of 2 or more accredited assessors.

The Compliance Audit comprised of:

- assessment of 13 BDARs against specific audit criteria
- interviews with 17 accredited assessors (13 audited accredited assessors who certified the BDARs and 4 additional accredited assessors who had responsibility for different aspects of the BDAR preparation)
- record keeping data request sent out to 4 accredited assessors audited within the Hunter Central Coast (HCC) region
- interviews with 15 participating councils (13 audited Local Government Areas (LGAs) plus 2 additional in South West (SW) and North West (NW) regions)
- complaint resolution for 1 audit in Greater Sydney (GS) Region – issue with council and accredited assessor related to BDAR review by council.

Standardised audit criteria were prepared based on the requirements of s6.8 and 6.15 of the BC Act and selected accreditation conditions, including the Code of Conduct, and application of BAM (2017) and BAM Operational Manual Stage 1 (May 2018) and Stage 2 (September 2019).

Compliance categories were allocated to each audit question based on whether the BDAR or certifying AA met the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act. If the minimum requirements set out by the accreditation condition and/or requirements of the BC Act were not met, a non-compliance minor (NC-Mi) or non-compliance major (NC-Ma) was allocated to the audit question. A non-compliance major (NC-Ma) was allocated for any high-risk non-compliances where the minimum BAM requirements were missing or not considered in the BDAR or the behaviour of an accredited assessor was considered inconsistent with the Code of Practice.

Overall AA performance was assessed by calculating the total number of each compliance categories allocated across the compliance audit scope. Accredited assessors were ranked based on the percentage (%) of non-compliances (NC-Mi / NC-Ma) allocated and whether the AA had received any major non-compliances (NC-Ma).

The Compliance Audit scope included:

- Accreditation conditions
  - Application of the BAM and Operational Manuals
  - Code of Conduct
  - Record keeping
- Relevant sections of the BC Act
  - AA qualifications and experience and BDAR team details (s6.8)
  - BDAR certification and currency requirements (s6.15).

Key findings

The key findings from the Compliance Audit relating to the overall performance of audited BDARs and accredited assessors include:

- overall, 23% of audited BDARs and accredited assessors (3/13) were ranked as low compliance risk with no major non-compliances allocated
- 31% of audited BDARs and accredited assessors (4/13) were ranked as medium compliance risk with between 50-70% of non-compliances allocated or 1 major non-compliance
- the highest % fell within the high-risk category with 46% of audited BDARs and accredited assessors (6/13) ranked as a high compliance risk with greater than 70% of non-compliances allocated or 4 or more major non-compliances (NC-Ma)
- none of the audited accredited assessors and their BDARs (0/13) were fully compliant when assessed overall against selected audit criteria based on the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act
- 85% of audited accredited assessors (11/13) were non-compliant with their requirements for BDAR certification and currency specified under the BC Act and did not submit a valid lodged BDAR to council in accordance with the BC Act.

Key recommendations

The findings of the Compliance Audit identified 32 recommendations across the following 6 key recommendation themes:

1. Audited BDARs and Accredited Assessor non-compliances – 1 recommendation
2. Biodiversity Assessment Method (BAM) – 9 recommendations
3. Systems and processes – 9 recommendations
4. Accredited Assessors Support – 8 recommendations
5. Complaints and Feedback Management – 2 recommendations
6. Local Government Support – 3 recommendations

A more detailed discussion of each key recommendation theme, key findings and recommendations has been provided within Section 9 of this document and summarised in Section 10. Once adopted, these recommendations are likely to improve the AA accreditation program and implementation of the scheme in New South Wales under BC Act.

Completed recommendations

The Compliance and Licensing (C&L) Branch have worked with the Biodiversity Offset Scheme (BOS) Branch to consider and implement responses to the preliminary audit findings and feedback from key stakeholders while the audit was still in progress.

The benefit of this approach has enabled over 80% of the departmental recommendations that focus on improvements to processes, systems, and guidance for all stakeholders to have been partially completed or completed. The 32 audit recommendations have been categorised into completed, partially completed, commenced and not commenced. Currently, 12 recommendations have been completed, 14 have been partially completed, 6 have commenced and none have not commenced.

A summary of the status of each recommendation includes:

1. **Audited BDARs and Accredited Assessor non-compliances – 1 recommendation (1 completed)**
    a. Respond to audited accredited assessors with individual findings and recommended actions – 1 completed

> **Recommendation 1:**
>
> Respond to audited accredited assessors with individual findings and recommended actions to follow up on identified non-compliances.

2. **Biodiversity Assessment Method (BAM) – 9 recommendations (1 completed)**
    a. BAM (2017) and Operational Manual (Stage 1 and 2) – 1 completed and 2 partially completed

> **Recommendation 2:**
>
> **2a:** Review BAM (2017) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.
>
> **2b:** Review BAM Operational Manual (Stage 1) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.
>
> **2c:** Review BAM Operational Manual (Stage 2) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.

    b. Consistent BDARs – 1 partially completed

> **Recommendation 3:**
>
> Prepare a BDAR template to provide a consistent approach across accredited assessors and assist reviewers (determining authority and the department).
>
> A BDAR template for streamlined assessments should also be prepared.

    c. AA support material – 2 commenced

> **Recommendation 4:**
>
> **4a:** Develop new guidance material for planning proposals and entry into the scheme for applicants and planning consultants.
>
> **4b:** Provide further BAM implementation guidance and clarification for 4 key areas identified for accredited assessors.

    d. Species data and information in the TBDC – 2 commenced

> **Recommendation 5:**
>
> **5a:** Updates for guidance on survey requirements were identified for 2 specific species.
>
> **5b:** The TBDC species credit profiles should reference any relevant BAM fauna survey guidelines developed such as NSW Survey Guide for Threatened Frogs for Green And Golden Bell Frogs.

e.   BioNet and Atlas data – use by AAs – 1 commenced

Recommendation 6:

Review minimum user requirements for accredited assessors accessing species data from BioNet and provide user guide for accredited assessors.

3.   **Systems and processes – 9 recommendations (7 completed)**

a.   Currency of BDAR – 2 completed

Recommendation 7:

7a: Educate accredited assessors on requirements for certifying a valid BDAR.

7b: Include BOAMS training in new and reaccreditation assessors training to standardise how accredited assessors use BOAMS/BAM-C

b.   BOAMS/BAM-C management – 1 completed and 2 partially completed

Recommendation 8:

8a: Training for existing and new accredited assessors should include a BOAMs case study that clearly demonstrates the establishment of the parent case, set up of a child case and BAM-C, finalising/submitting case and close out of a BOAMS parent case.

8b: Update to BOAMS user guide – Detailed step by step guidance is required for consistent set up, management and close out of both parent and child cases and finalising the BAM-C.

Recommendation 9:

Provide guidance on what BDAR documentation should be provided to the consent authority and saved in BOAMS including reasons why this is important to accredited assessors.

c.   BDAR Biodiversity Offset Scheme Entry – 2 completed

Recommendation 10:

10a: Addition of scheme entry into the BAM-C to track the reason why a BDAR has entered the scheme.

10b: Include requirement in BAM 2020 update to provide a section in the BDAR that includes the scheme entry and any required attachments in the BDAR Appendix (such as BMAT report or Test of Significance)

d.   Accreditation Conditions (Code of Conduct - BOAMS QA) – 1 completed

Recommendation 11:

To standardise how accredited assessors use the BOAMS/BAM-C, it is recommended that BOAMS training including a case study from set up to finalisation is included in updated and new reaccreditation assessors training.

e. Confirmed Candidate Species – Targeted Surveys (BAM-C exported report) – 1 completed

> **Recommendation 12:**
>
> The format of Candidate Species Report exported from BAM-C should be updated to show the months surveyed by accredited assessor for each candidate species credit species.

4. **Accredited Assessors Support – 8 recommendations (2 completed)**

a. AA Training (Accreditation and Reaccreditation training) – 2 completed

> **Recommendation 13:**
>
> **13a:** Review the accredited assessor 5-day course content and include training improvements for new accredited assessors in the key areas identified for new accreditation training.
>
> **13b:** Review the accredited assessor 5-day course content and include training improvements for existing accredited assessors in the key areas identified for reaccreditation training.

b. Accreditation Conditions (Code of Conduct - Quality Assurance) – 1 commenced

> **Recommendation 14:**
>
> Develop a consistent approach for quality assurance for accredited assessors to meet their obligations under the Code of Conduct and their accreditation conditions.

c. Accreditation Conditions (Code of Conduct – COIs) – 3 partially completed

> **Recommendation 15**
>
> **15a:** Review the current COI wording within the Code to be consistent with other department policies on COI (e.g. must declare and manage any identified COIs rather than 'must not act').
>
> **15b:** Development of clear departmental guidance for identifying, managing, and declaring COIs.
>
> **15c:** Prepare a standardised format for declaring any identified COIs in the BDAR template.

d. Accreditation Conditions – Record Keeping – 2 partially completed

> **Recommendation 16**
>
> **16a:** Guidance on what records should be kept and appropriate format (e.g. targeted survey field sheets, BAM survey plots, GPS survey locations, GIS files, field survey records)
>
> **16b:** Targeted field survey templates could be incorporated in the relevant flora and fauna survey guidelines as an example.

5. **Complaints and Feedback Management – 2 recommendations (1 completed)**
    a. Complaints and feedback management framework – 1 completed and 1 partially completed

Recommendation 17:

Development and implementation of a complaint and feedback management framework where scheme complaints can be made and resolved between disputed parties.

Recommendation 18:

Development and implementation of a Complaints and Feedback Management Policy by the BOS Branch.

6. **Local Government Support – 3 recommendations**
    a. LG Support (In person) – 1 partially completed

Recommendation 19:

BOS Branch to investigate opportunities for LG Support and connect councils with their relevant BCD Regional Planning team.

    b. LG Biodiversity Offset Scheme training – 1 partially completed

Recommendation 20:

Identify opportunities to utilise material developed for accredited assessors new/recertification training (elearning modules) for other Biodiversity Offset Scheme stakeholders.

    c. LG Guidance support and material – 1 partially completed

Recommendation 21:

Re-establish LG Guidance support on the scheme for councils across the state. 5 key items were identified for development of materials on the scheme.

Further details of actioned recommendations including completed recommendations and proposed follow up actions for those recommendations in progress, have been summarised in Section 10.

1. Introduction

In 2020–21, the Department of Planning Industry and Environment (now the Department of Planning and Environment) conducted a compliance audit of Accredited Assessors (Compliance Audit) across New South Wales.

This report provides a summary of the key outcomes and findings from the Compliance Audit which were delivered as part of the department's 20–2021 compliance audit program.

The audit findings will be used to improve the operation of Biodiversity Offset Scheme (the scheme), assessor accreditation program and further strengthen the regulatory framework for compliance under the *Biodiversity Conservation Act 2016* (BC Act). The key outcomes of the Compliance Audit have resulted in the identification of key recommendation themes to improve the implementation of the scheme across New South Wales.

2. Background

2.1 Biodiversity Offset Scheme (the scheme)

The Biodiversity Offset Scheme (the scheme) is the framework for offsetting unavoidable impacts on biodiversity from development with biodiversity gains through landholder stewardship agreements.

The scheme was established under the *Biodiversity Conservation Act 2016* (BC Act). Entry to the scheme by developments, projects and activities that meet certain thresholds for significant impacts on biodiversity, or on an opt-in basis.

Further background on the scheme and other relevant information is provided in Appendix 1.

2.2 Accredited persons under the BC Act

Under the BC Act, assessors must be accredited to apply the Biodiversity Assessment Method (BAM). The accreditation scheme is designed to ensure that the BAM is applied by people with appropriate ecological skills, knowledge and experience, and a demonstrated understanding of the method.

The department is responsible for accrediting assessors (AA) under the scheme. The detailed arrangements for the accreditation scheme are set out in the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 (Accreditation Scheme Order 2017). The Accredited BAM Assessor must be compliant with the seven conditions of their accreditation certificate (refer to Appendix 2). This includes compliance with the Code of Conduct (refer to Appendix 3).

At the commencement of the audit, there were 370 AAs on the public register, including 297 within private consultancies (ecological or other) and 73 within Government agencies (state government, local government, or other government departments) in February 2020.

2.3   Biodiversity Assessment Method Order 2017

The Biodiversity Assessment Method Order 2017 (BAM 2017) outlines how an accredited person assesses impacts on biodiversity at development sites and stewardship sites. The BC Act also provides specific requirements for BDAR certification and currency (s6.15 BC Act) and specific details on BDAR content relating to the BDAR team and certifying AA (s6.8 BC Act).

The BAM must be applied by an accredited assessor and provides minimum data, table and map requirements specified in Tables 25 (Stage 1) and 26 (Stage 2) in Appendix 10 of the BAM. The BAM is also supported by the BAM Operational Manual for implementation guidance for Stage 1 (Biodiversity Assessment) and Stage 2 (Impact Assessment) of the BAM.

The BAM is applied to all development or clearing applications that enter into the scheme as well as sites where a landholder proposes to enter a Biodiversity Stewardship Agreement (BSA). The assessor documents the results of the biodiversity assessment in a Biodiversity Assessment Report (BAR). A proponent must provide a BAR to the decision maker as part of their development, clearing activity or biodiversity certification or to the Biodiversity Conservation Trust for a stewardship site application. The decision maker will use the information in the BAR to decide on whether to approve the development or BSA application.

The Biodiversity Offsets and Agreements Management System (BOAMS) is used by AAs to undertake BAM-related tasks, including access to the BAM credit (BAM-C) calculator to perform BDAR assessments, submit data, generate a credit obligation and a credit price.

Further background on the BAM and other relevant information is provided in Appendix 1.

2.4   AA Strategic Project

In 2018–19, the Compliance and Licensing Branch conducted an AA Strategic Project and engaged BehaviourWorks Australia from Monash University to undertake behavioural science research to explore the drivers and barriers that impact on AAs submitting accurate and impartial reports.

The AA Strategic Project highlighted a broad perception that reviews of biodiversity development assessment reports (BDARs) by the department (such as of Major Projects) may be more comprehensive than those by at least some Local Government Authorities. In addition, some participants suggested that BAM training alone may not be enough to equip AAs for their role, particularly those without previous experience with similar/prior schemes.

Workshops held as part of the AA Strategic Project indicated that the department's Biodiversity and Conservation Division (BCD), Biodiversity Conservation Trust (BCT) and Regional Local Government Support staff perceive that threatened species assessment, particularly species exclusion, is one of the priority areas of concern in the application of Stage 1 of the BAM by AAs.

Based on the outcomes of the AA Strategic Project, it was identified that BDARs within the Council Development Application process (DAs) should be the focus of the initial AA audit and the scope should also include threatened species habitat suitability assessment under Stage 1 of the BAM.

2.5   Audit of AAs

The legislative framework to conduct an audit of AAs by the department is embedded in section 20 of the Accreditation Scheme Order 2017 and may include:

> (1) compliance by an accredited person with the conditions of their accreditation, or
>
> (2) biodiversity assessment reports prepared by an accredited person, or
>
> (3) the application of the BAM by an accredited person.

In accordance with the Accredited BAM Assessor Code of Conduct (Code of Conduct), an AA must cooperate with and provide the necessary information and records requested by the department during an audit.

2.6   Quality and assurance framework to manage AA work quality and behaviour

Audits are one of the tools used to ensure assessment quality. This audit is one of a range of measures under the Biodiversity Offsets Scheme that provide an overall framework to manage quality and assurance of assessments undertaken by AAs.

The range of measures within this framework are provided in Figure 1.

Figure 1   Quality and assurance framework for AAs

Measures to ensure quality and assurance on work undertaken by Accredited Assessors:

1.   Requirements of accreditation

All accredited assessors are responsible for the quality of any work that is certified under their name. This is part of the training that all accredited assessors are required to undertake in seeking accreditation.

This is governed by accreditation training and accreditation criteria, a code of conduct set by the Department of Planning and Environment (DPE), a fit and proper person test set by the department, the Biodiversity Assessment Method (BAM) published by the Minister, and conflict of interest disclosures.

2. Government review and decision-making

Assessments undertaken by AAs are reviewed before those reports are used in government decision-making. This includes councils reviewing the assessments for development applications (DAs) determined by councils, the department for development applications determined by the Minister for Planning and BCT for stewardship agreements.

As part of doing this, these agencies review the content of the assessment report, and seek clarification or changes before making a determination on the proposal. This is for both development and stewardship agreement sites.

3. Assessor complaints and feedback

There is a complaints policy and process in place for AAs. Usually, complaints about the work or behaviour of AA.

The department manages the complaints using the *Accredited Assessor Complaints and Feedback Policy (September 2020).* The accreditation team manages these complaints. The department has the power to reasonable request any information from an assessor. Actions can include reminder letters, warning letters, retraining, imposing conditions on accreditation, suspension, and de-accreditation.

4. Accredited Assessor audits

An audit involves detailed review of data and accredited assessor reports. This can either be undertaken as part of investigation of a complaint or as part of a broader audit of AAs, for example, targeting specific issues or types of assessment or auditors.

Audits are undertaken by a separate audit team that also works closely with relevant government agencies and the BOS Branch, and has the power to request any reasonable information from an assessor. Systemic audit findings are used to improve the scheme. Action can be taken against AA as above.

5. Compliance investigation into breaches of BC Act

When a complainant alleges false or misleading information has been provided by an assessor, or other potential breaches of the BC Act have occurred, a formal compliance investigation may be initiated.

The separate compliance team has access to all necessary information. Such an investigation may result in actions against AA, including penalty infringement notices or other legal action.

3. Objectives

The objectives of Compliance Audit were to:

- evaluate AA compliance with select accreditation conditions including applying aspects of the BAM
- support AAs to comply and deter non-compliance, to improve biodiversity assessment and report quality
- gather strategic intelligence to assist the department to better understand the practical operation of this area of the scheme.

4.   Method

The Compliance Audit involved:

- assessment of 13 BDARs against specific audit criteria
- interviews with 17 accredited assessors (13 audited accredited assessors who certified the BDARs and 4 additional accredited assessors who had responsibility for different aspects of the BDAR preparation)
- record keeping data request sent out to 4 AAs audited within the Hunter Central Coast (HCC) region
- interviews with 15 participating councils (13 audited Local Government Areas (LGAs) plus 2 additional in South West (SW) and North West (NW) regions)
- complaint resolution for 1 audit in Greater Sydney (GS) Region – issue with council and AA related to BDAR review by council.

5.   Scope

5.1   LG BDAR data request

The audit focused on council DAs that had entered the Biodiversity Offset Scheme and required a BDAR. A LG BDAR data request was sent out to the 128 councils across New South Wales from February 2020 to September 2020. The purpose of the data request was to gather BDAR data from councils in each region to identify whether councils had received any BDARs and the status of BDARs received within the council DA process.

The following data was received from the responding councils:

1. whether a council had received any DAs with BDARs
2. status of any BDARs received – determined by council or in the process of being assessed by council (undetermined – lodged with council but not yet determined)
3. a key council contact for any scheme related queries from the department.

5.2   Undetermined BDARs

Across the state, 40 councils received139 undetermined BDARs (refer to Table A5.2 in Appendix 5). Undetermined BDARs were chosen to ensure that the audit did not interfere with the council DA determination process under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A set of audit rules were applied to the 139 undetermined BDARs to assess whether the BDAR met the rules and were eligible to be part of the audit. The BDARs that did not meet the audit rules included:

- BDARs in the last stage of council DA assessment process (council assessment completed and drafted conditions)
- BDARs rejected by council
- any known contentious BDAR (BDAR was or likely to be part of a Land and Environment (L&E) Court proceeding or BDAR was part of complaint to the department).

On application of the audit rules, 60% of the BDARs were eligible for further consideration (Table 1). The 83 BDARs were then further reviewed on a region by region basis to identify the number of BDARs per region required to meet a minimum of 10% representative sample.

A representative sample of 16% (13 BDARs) were audited across New South Wales, with samples across each region ranging from 10% to 100% depending on the number of BDARs that met the sample rules (Table 1).

Table 1   Summary of underdetermined BDARs and audits completed in each region

Region	No. of lodged BDARs	No. of BDARs met sample rules*	No. of audits completed	% sample of BDARs in region *	Audit no.	Local Government Area (LGA)
Hunter Central Coast	36	24	4	17%	HCC1	Central Coast
					HCC2	Lake Macquarie
					HCC3	Maitland
					HCC4	Muswellbrook
South West	1	1	1	100%	SW1	Balranald
					Interview only	Wentworth
Greater Sydney	47	25	3	12%	GS1	The Hills
					GS2	Liverpool
					GS3	Penrith
North West	7	1	1	100%	NW1	Narromine
					Interview only	Lithgow
South East	32	20	2	10%	SE1	Shellharbour
					SE2	Queanbeyan-Palerang
North East	16	12	2	17%	NE1	Port Macquarie-Hastings
					NE2	Ballina
Total	**139**	**83**	**13**	**16%**		

* % sample of BDARs is based on number of BDARs audited and meeting sample rules within the region

5.3   Audit scope

The audit focused on 2 key areas:

- compliance with selected conditions of Accredited BAM Assessor certificate of accreditation relating to preparing a BDAR in accordance with the BAM, management of survey and assessment records and the Accredited Person Code of Conduct
- application of selected sections of the Stage 1 and 2 of the BAM Order 2017 by an accredited person in preparation of BDARs.

The audit scope included assessment of compliance with Accreditation Conditions 1, 3 and 4 and relevant sections of the BC Act (s6.15 and 6.8). The areas targeted included:

- accreditation conditions
- BC Act requirements.

5.3.1 Audit of Accreditation Conditions (including Code of Conduct)

The scope of the audit review of accreditation conditions focused on:

- team management
- quality assurance management
- conflict of interest (understanding and management)
- AA record keeping.

The main purpose of this audit assessment was to understand how AAs were managing their accreditation conditions and any varying opinions based on experience of AA and whether a sole trader, or AA within small or large consultancy.

Standardised audit criteria were prepared based on relevant accreditation conditions and the Code of Conduct (refer to Appendix 2 and 3). The assessment of audit criteria was based on:

- an interview with BDAR certifying AAs for each audit. It is noted for 3 audits, multiple AAs attended the interview as more than 1 AAs had certified the BDAR and identified responsibility for different aspects of the BDAR preparation
- data request sent out to Hunter Central Coast (HCC) region audited AAs for records associated with targeted surveys.

5.3.2 AA interviews

Interviews were conducted with 17 BDAR certifying AAs, which included 3 interviews where multiple AAs attended as more than 1 AA had certified the BDAR and identified responsibility for different aspects of the BDAR preparation.

There were 3 audits where multiple AAs attended and participated in the interview:

- HCC region – 3 AAs (HCC3)
- NW Region – 2 AAs (NW1)
- SE Region – 2 AAs (SE1).

Each interview included an opportunity for the BDAR certifying AAs to provide feedback on the scheme and any issues they have encountered with entry into the scheme. AA feedback received during the interview process was summarised (refer to Table 8.1 Appendix 8) and utilised to identify the key needs for future AA support by the department.

5.3.3 Audit of BAM Order 2017 requirements

The scope of the audit review of representative BDARs focused on the requirements of s6.8 and 6.15 of the BC Act relating to BDAR content, certification, and currency requirements and whether the lodged BDAR met the minimum data, table and map requirements for certain sections specified in BAM (2017) and the BAM Operational Manuals (Stage 1 and 2).

The main purpose of this audit assessment was to identify key issues where the quality and technical information of the BDAR could be improved in accordance with the minimum requirements specified in the BAM (2017).

Standardised audit criteria were prepared based on the requirements of s6.8 and 6.15 of the BC Act, BAM (2017) and BAM Operational Manuals Stage 1 (May 2018) and Stage 2 (September 2019).

The key areas assessed included:

- BC Act requirements
  - content of BDARs – AA qualifications and experience/BDAR team (s6.8)
  - BDAR certification and currency requirements (s6.15)
- Stage 1 – Biodiversity Assessment
  - proposal details on the development site (construction and operational footprints)
  - threatened species credit species habitat suitability and targeted survey
- Stage 2 – Impact Assessment
  - avoid and minimise impacts on important biodiversity values identified on site.

The assessment of audit criteria was based on:

- an interview with BDAR certifying AAs for each audit
- compliance review of representative sample of 13 lodged BDARs and any revised versions provided by council
- technical assessment (refer to Appendix 6) of 53 representative samples of predicted candidate species credit species across the 13 audited BDARs.

5.3.4 Participating council feedback

As part of each audit, an interview was conducted with the participating council where the representative BDAR was being assessed as part of the council DA process (refer to Table A7.3 in Appendix 7).

Interviews were conducted with 15 participating councils, which included the 13 audited BDAR Local Government Areas (LGAs) plus an additional 2 councils within the SW and NW regions.

Two additional councils were included in these regions to provide a better representative sample of council feedback where only one BDAR was audited in the region. This included Lithgow in the NW Region and Wentworth in the SW Region.

Each council interview included 3 key areas of discussion:

- council DA processes relating to DAs entering into the scheme
- council ability to technically review BDARs and whether council have an internal specialist officer (AA, ecologist, or environmental planner/scientist)
- council feedback on the scheme and any issues they have encountered with entry into the scheme.

Council feedback received during the interview process was summarised (refer to Table A9.1 in Appendix 9) and utilised to identify the key needs for future LG support by the department.

5.4   Audit compliance category allocation

5.4.1 Compliance categories

The representative sample of BDARs and certifying AAs were assessed based on a standardised set of audit criteria. Compliance categories (Table 2) were allocated to each audit question based on whether the BDAR or certifying AA met the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.

Table 2   Summary of compliance categories

Compliance status	Compliance category	Acronym	Category allocation requirements
Compliant	Compliant	C	AA has met the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.
	Partially Compliant	PC	AA has largely met the requirements but is required to make small minor changes to meet their accreditation conditions and/or requirements of the BC Act.
Non-compliant	Non-compliant minor	NC-Mi	AA does not meet the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act. This is a medium risk non-compliance as the issues identified are minor in nature or the AA does not have a documented process in place.
	Non-compliant major	NC-Ma	AA does not meet the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act. This is a high-risk non-compliance as minimum requirements are missing, not considered or behaviour is inconsistent with the Code of Practice when the AA conducting business.

5.4.2 Audited BDAR and AA overall performance

Overall audited BDAR and AA performance was assessed by calculating the total number of each compliance categories allocated (C, PC, NC-Mi and NC-Ma) across the compliance audit scope, which included assessment of compliance with Accreditation Conditions 1, 3 and 4 and relevant sections of the BC Act (s6.15 and 6.8).

Audited BDARs and AAs were ranked based on the percentage (%) of non-compliances (NC-Mi/NC-Ma) allocated and whether the AA had received any major non-compliances (NC-Ma).

The following compliance risk ratings were allocated to each audited BDAR and AA:

- High compliance risk – % of non-compliances greater than 70% and/or received more than 4 major non-compliances (NC-Ma).
- Medium compliance risk – % of non-compliances greater than 50% but less than 70% and/or received 1 major non-compliances (NC-Ma).
- Low compliance risk – % of non-compliances less than 50% and received no major non-compliances (NC-Ma).

6. Findings – Local Government BDARs

6.1 LG BDAR data request responses

6.1.1 Council responses rate

The Local Government BDAR data request received a 79% response rate from councils across the state. Responses range from 67% in the North East (NE) region to 100% in Hunter Central Coast (HCC) region (refer to Table A5.1 in Appendix 5).

101 councils responded to the LG BDAR data request. 55% of these responding councils had DAs that had entered the scheme and had received a BDAR.

Figure 2 shows the distribution of council responses across New South Wales within the different regions, with Figure 3 providing a detailed view of the Greater Sydney (GS) region.

6.1.2 Council BDARs received

A total of 249 BDARs had been received by 56 councils across the state, with 110 BDARs determined by council and 139 BDARs lodged but not yet determined (undetermined) in the council DA assessment process (refer to Table A5.2 in Appendix 5).

The number of councils that had received BDARs across each region includes:

- 10 Hunter Central Coast (HCC)
- 5 South West (SW)
- 8 North West (NW)
- 18 Greater Sydney (GS)
- 8 South East (SE)
- 7 North East (NE).

GS region had received the highest number of BDARs (93) with SW region receiving the lowest number of BDARs (6). The majority of BDARs can be observed across 3 regions – HCC, GS, and SE.

The distribution of determined BDARs are shown in Figures 4 and 5 with the distribution of undetermined (lodged but not yet determined BDARs) shown in Figures 6 and 7.
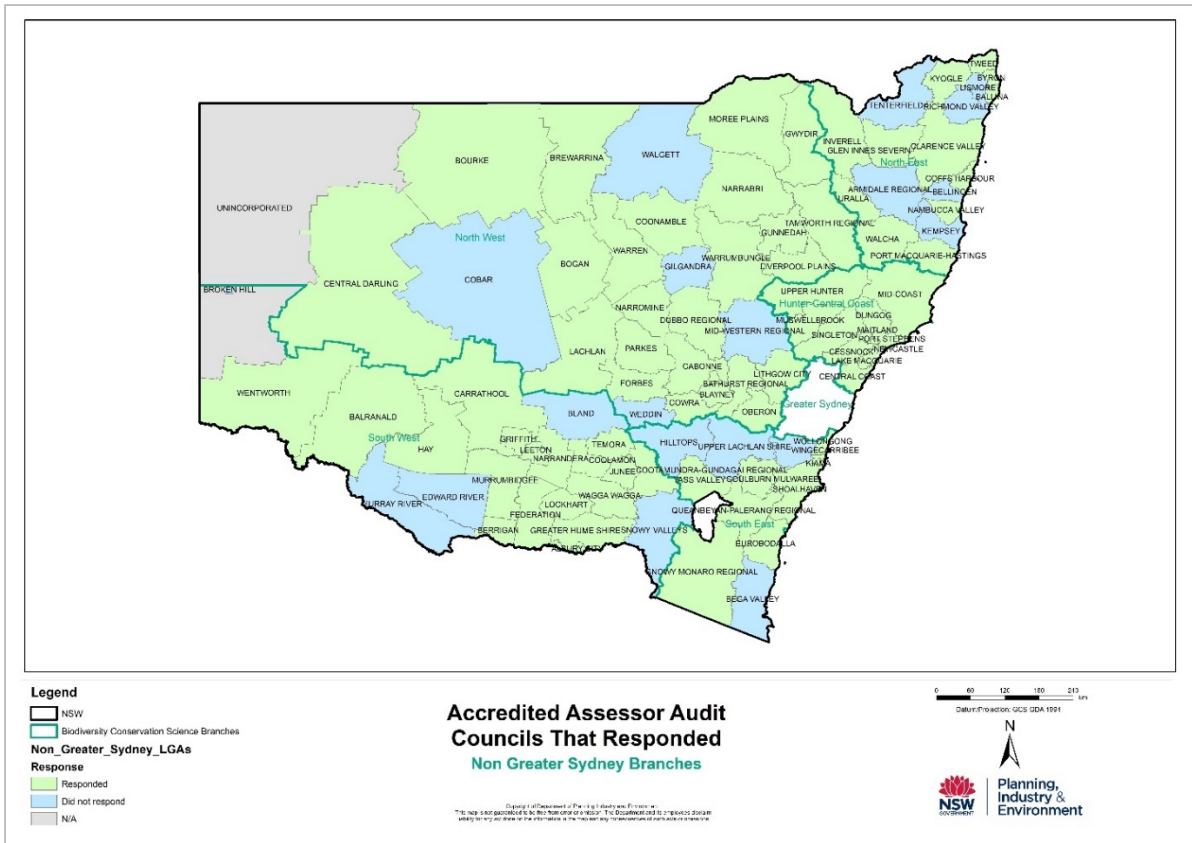
Figure 2   Distribution of responded councils across New South Wales (excluding GS region)
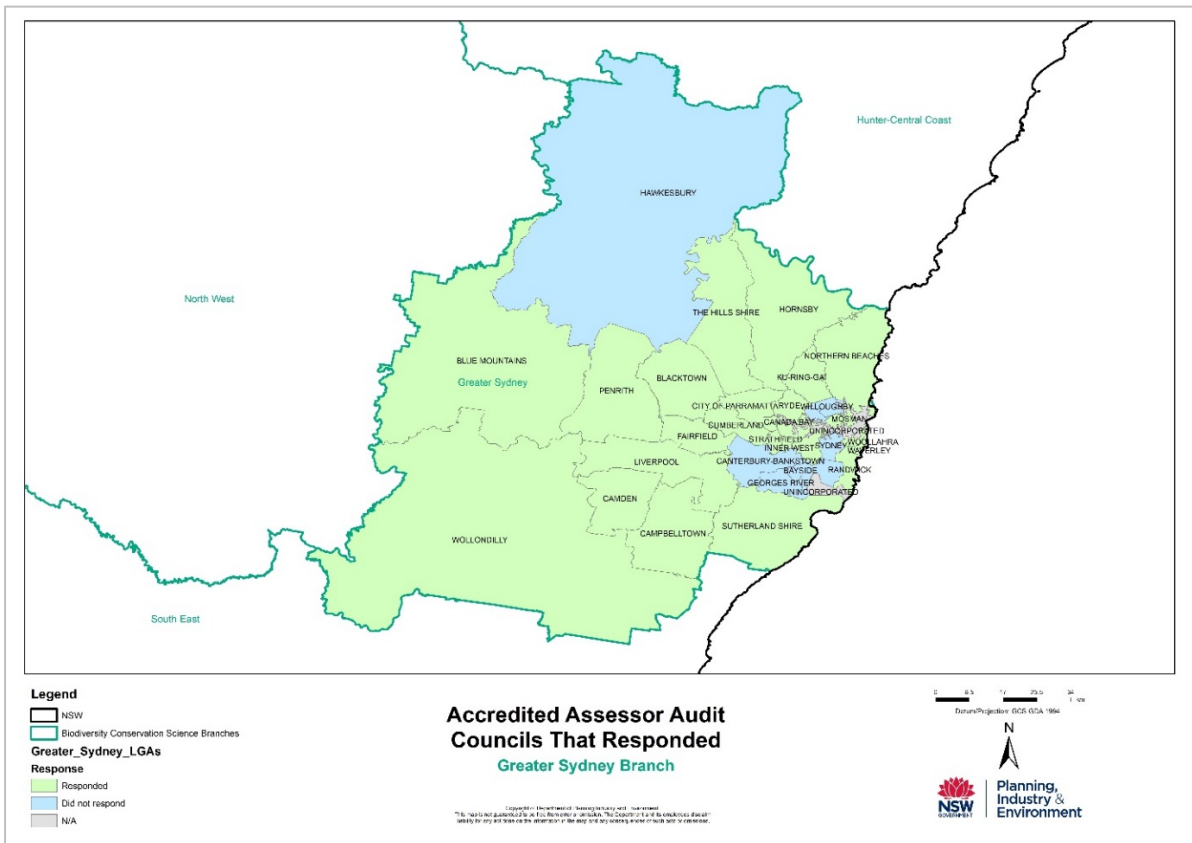
Figure 3   Distribution of responded councils within GS region
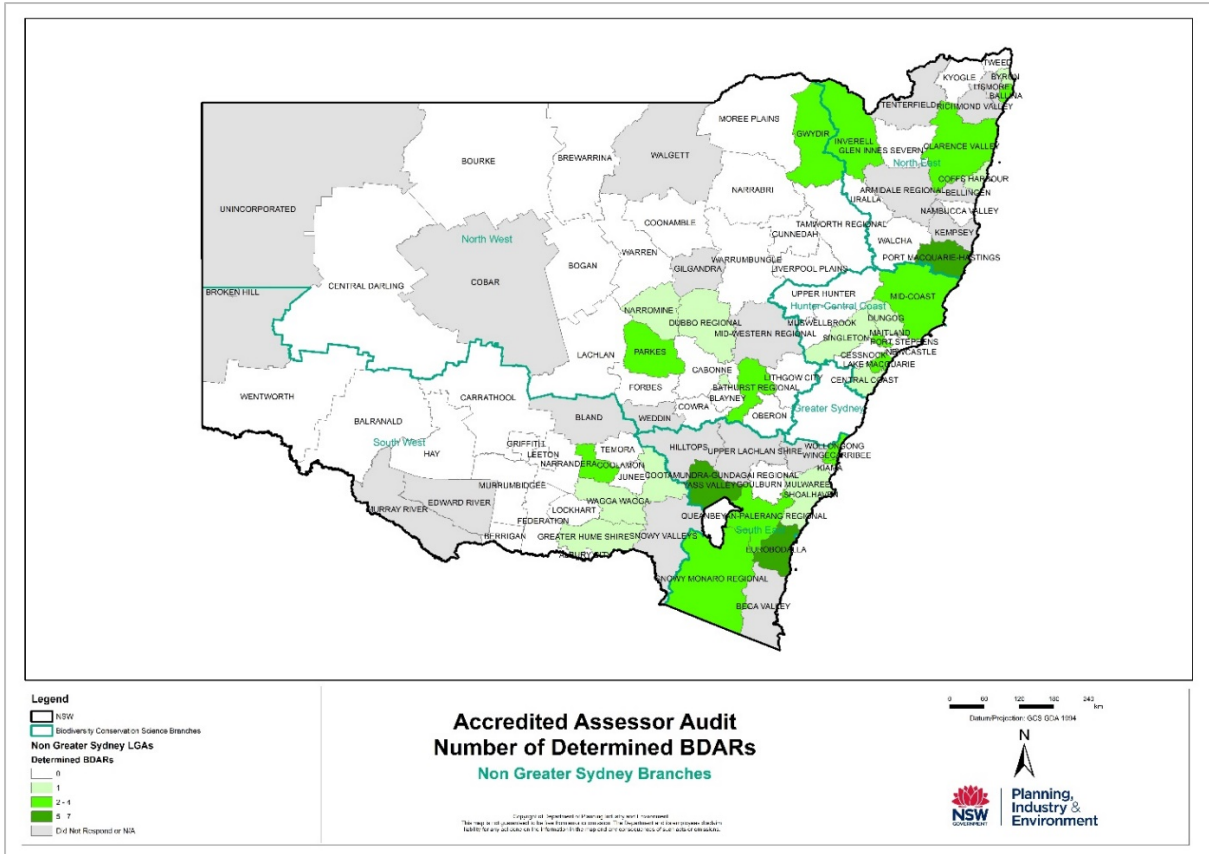
Figure 4   Distribution of determined BDARs across New South Wales (excluding GS region)
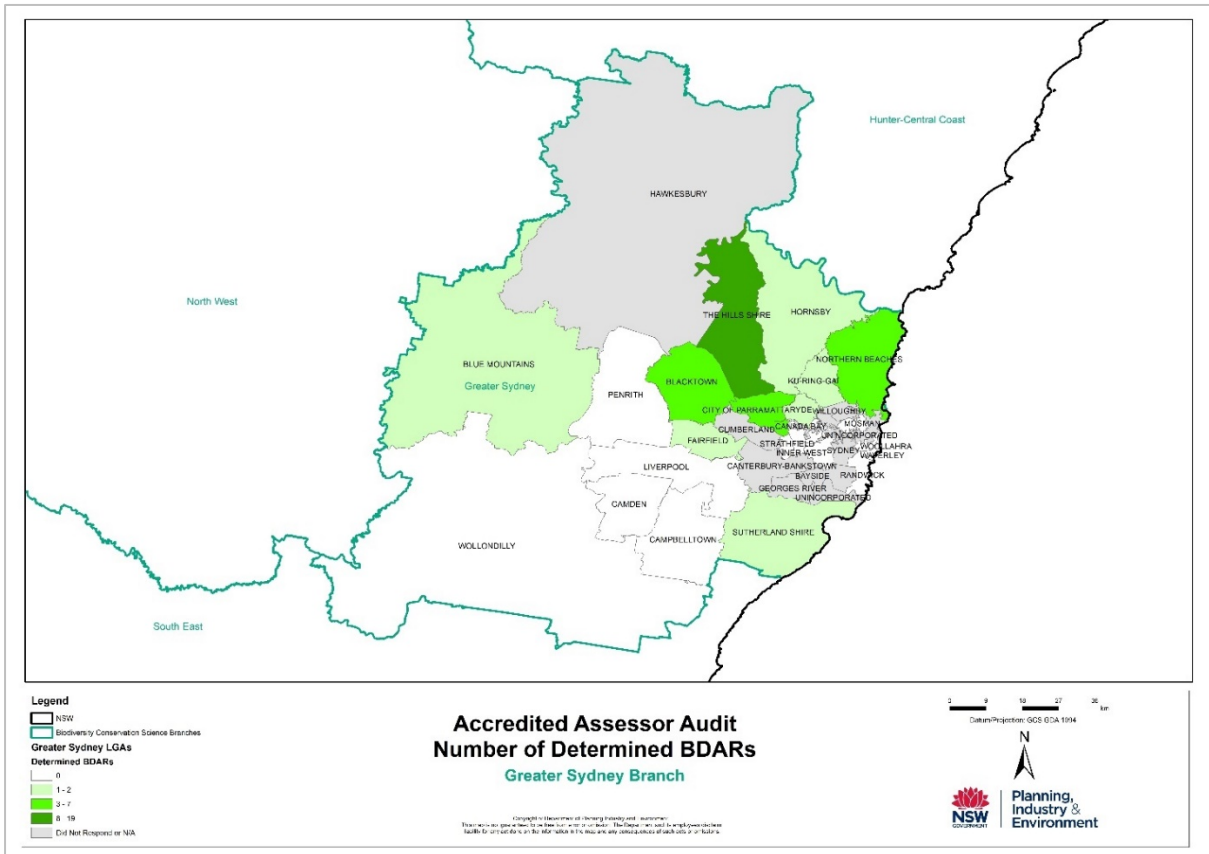
Figure 5   Distribution of determined BDARs within GS region
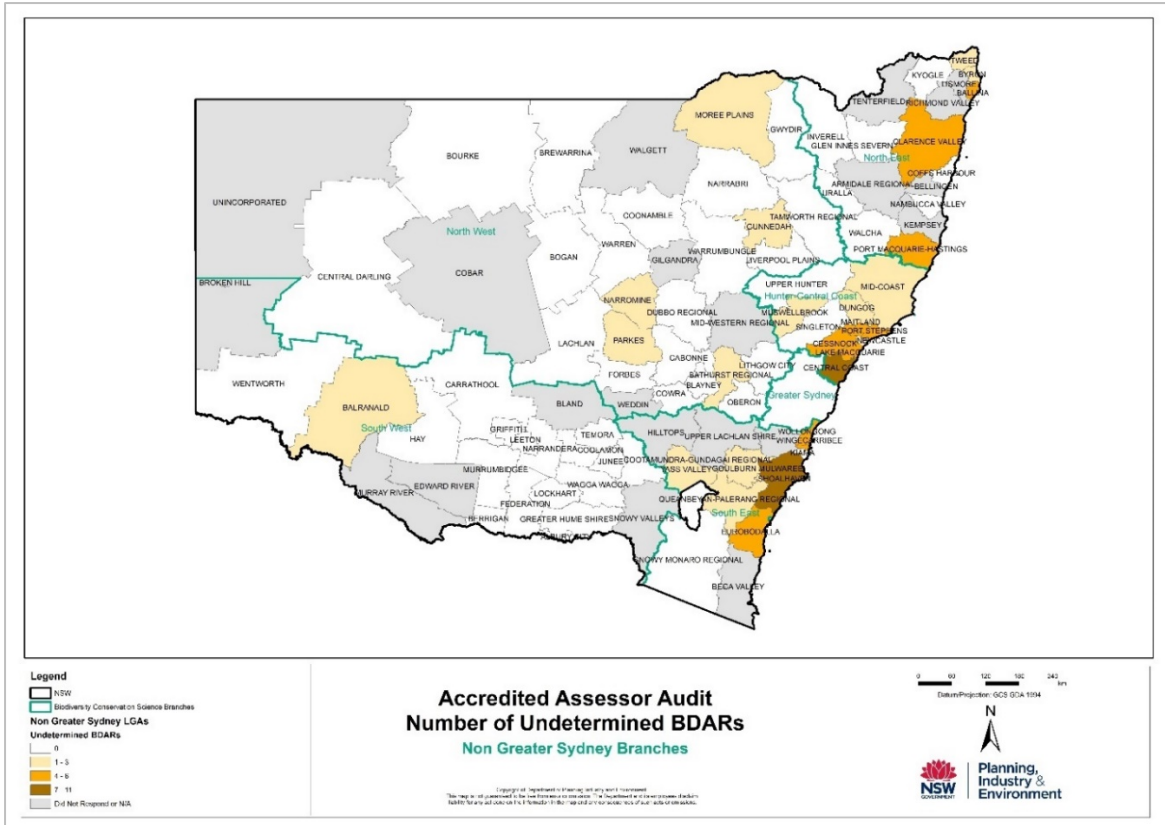
Figure 6   Distribution of undetermined BDARs across New South Wales (excluding GS Region)
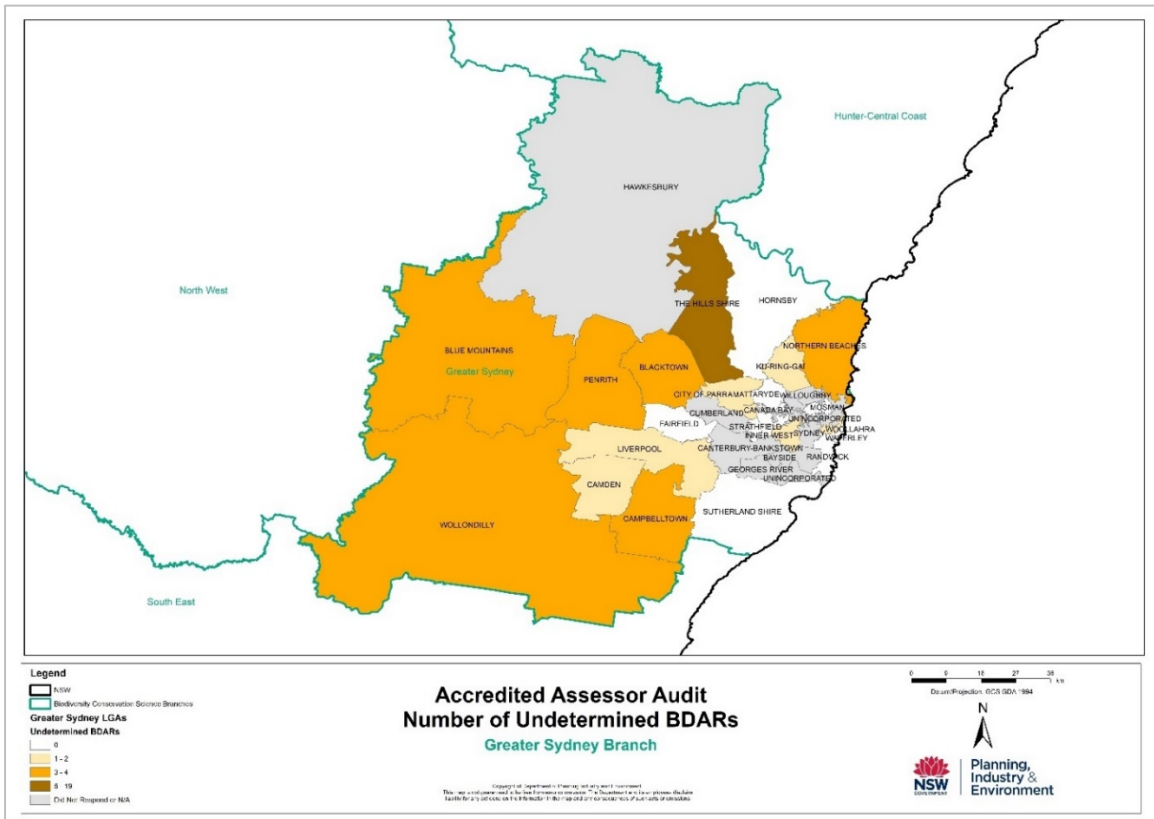
Figure 7   Distribution of undetermined BDARs within GS Region

7. Summary of audited BDARs and AAs

7.1 Audited BDAR background

7.1.1 Location and size

A total of 13 BDARs were audited as a representative sample of BDARs associated with undetermined DAs across New South Wales (refer to Table 5.1 in Section 5.2 and Appendix 7). This sample represented 16% of undetermined BDARs that met the audit rules (refer to Section 5.2).

The distribution of these BDARs across each region include:

- HCC – 4 BDARs (LGAs – Central Coast, Lake Macquarie, Maitland and Muswellbrook)
- SW – 1 BDAR (LGA – Balranald)
- GS – 3 BDARs (LGAs –The Hills, Liverpool and Penrith)
- NW – 1 BDAR (LGA – Narromine)
- SE – 2 BDARs (LGAs – Shellharbour and Queanbeyan-Palerang)
- NE – 2 BDARs (LGAs – Port Macquarie-Hastings and Ballina).

Sixty-two per cent of developments assessed by the audited BDARs were large residential subdivisions. 31% only assessed part of a larger subdivision in the BDAR with previous stages assessed under the former legislation *(Threatened Species Conservation Act 1995)*.

Sixty-two per cent of the audited BDARs were located within the Sydney Basin Bioregion (Figure 8).
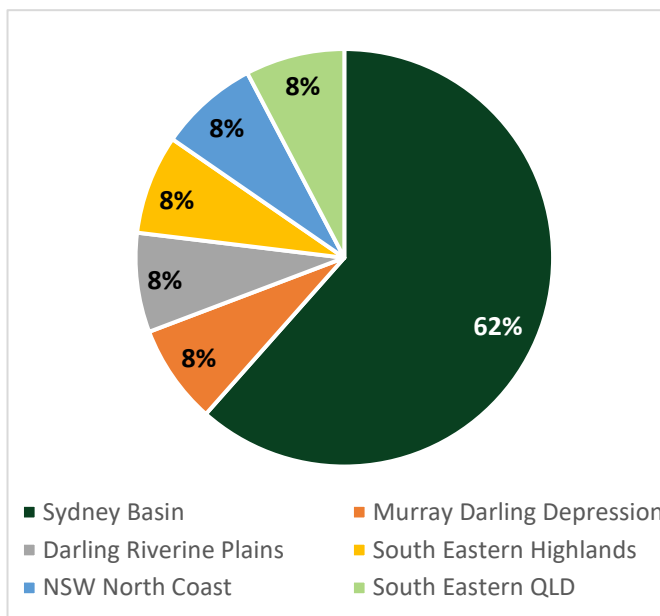
Figure 8   BDAR IBRA region location
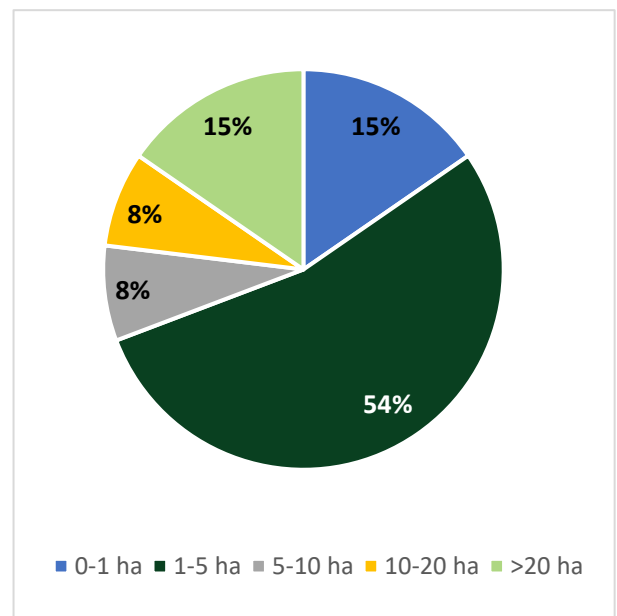
Figure 9   Size of the BDAR development

Sixty-nine per ent of BDAR development sites (9/13) were less than 5 hectares (ha) in size. The majority of BDAR development sites (54%) were between 1 to 5 ha in size (7/13) (Figure 9) with 31% of development sites greater than 5 ha (4/13). BDAR development sites ranged from 0.81 ha to 39.38 ha in size (refer to Table A7.1 in Appendix 7).

The 2 biggest BDAR developments sites were large residential subdivisions:

- 39.38 ha in SE Region (new subdivision)
- 22.87 ha in HCC Region (stage of larger golf course estate development).

7.1.2 Audited AA Background

BDARs are certified by an accredited person under the BC Act. Usually, there is 1 AA who certifies the BDAR and is delegated the responsible AA for the BDAR. 23% of audited BDARs (3/13) were identified to have more than 1 AA that had certified the BDAR with delegated responsibility defined for different aspects of the BDAR preparation.

Sixty-two per cent of BDARs (8/13) were certified by an audited AA that had not been previously accredited under the Biobanking scheme with more than half (54%) of the audited BDARs (7/13) prepared by a team of 2 or more AAs (refer to Table A7.2 in Appendix 7).

Eighty-five per cent of audited BDARs (11/13) were prepared by a consultancy (small/large) with 15% prepared by a sole trader (Figure 10).
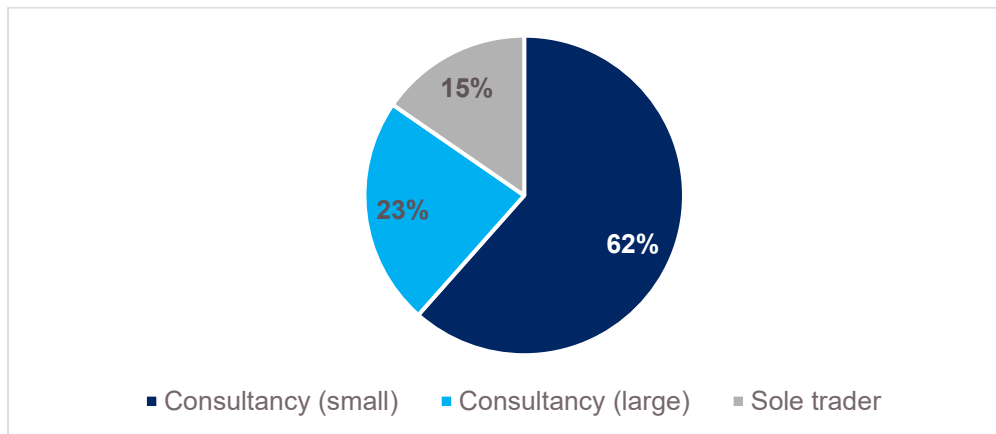
Figure 10 BDAR preparation by consultancy/sole trader

7.1.3 Council specialist officers

The majority of audited BDARs (69%) were reviewed by a council that did have an internal specialist officer (such as ecologist, AA, or Environmental Planner/Scientist) (Figure 7.4).

A total of 13 councils had a BDAR that was audited. 38% of these participating councils had an internal AA to technically review BDARs within the DA assessing team, while 31% did not have a specialist officer on staff (refer to Table A7.3 in Appendix 7).
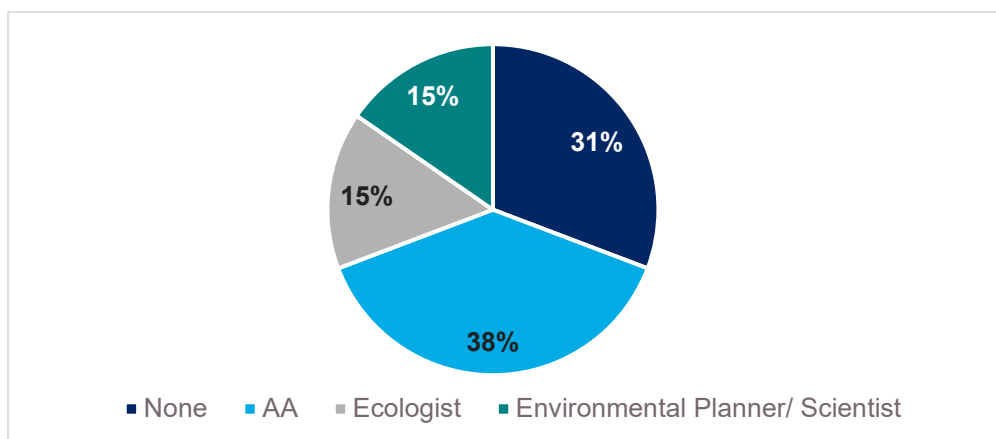
Figure 11 Participating council specialist officers available to review BDARs

8. Audit key findings and recommendations

8.1 Audit key findings

The key findings from the Compliance Audit are:

1. Audited BDARs and Accredited Assessor (AA) non-compliances

- Sixty-five AAs (18%) of the total AAs (370) had certified the 83 eligible BDARs considered as part of the representative sample for this audit.

- Thirteen AAs (20%) were audited as part of the audit process which included the audit of 13 undetermined BDARs and interview of 17 certifying AAs.

- Overall, 23% of audited BDARs and AAs (3/13) were ranked as low compliance risk with no major non-compliances allocated.

- Thity-one per cent of audited BDARs and AAs (4/13) were ranked as medium compliance risk with between 50-70% of non-compliances allocated or 1 major non-compliance.

- The highest % fell within the high-risk category with 46% of audited BDARs and AAs (6/13) ranked as a high compliance risk with greater than 70% of non-compliances allocated or 4 or more major non-compliances (NC-Ma).

- None of the audited AAs and their BDARs (0/13) were fully compliant when assessed overall against selected audit criteria based on the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.

2. Biodiversity Assessment Method (BAM)

BAM 2017 and Operational Manual (Stage 1 and 2)

Introduction to the proposal

- Seventy-five per cent of audited HCC AAs (3/4) were non-compliant (NC-Mi) with the minimum information and map requirements relating to the description of the proposal (both construction and operational footprint) being assessed by the BDAR.

- The BAM (2017) and the Stage 1 BAM Operational Manual does not provide any guidance on the level of detail required on the proposed development beyond the minimum requirements set out in Table 25 and Table 26 (Appendix 10) of the BAM.

Stage 1 BAM – Species credit species habitat suitability and targeted survey

- Sixty-three per cent of excluded predicted species sampled (19/31) were non-compliant (NC-Mi/NC-Ma) against the audit criteria with the BDAR not providing adequate justification for exclusion of predicted candidate species.

- Forty-eight per cent of excluded predicted species (15/31) should have been retained in the BAM-C and further assessment / targeted surveys conducted by the AA.

- Forty-six per cent of audited AAs (6/13) were non-compliant (NC-Mi) with providing the minimum information requirements relating to the confirmed candidate species targeted surveys being assessed by the BDAR. The BDARs did not link targeted surveys to specific confirmed candidate species or provide detailed targeted survey information required by the BAM.

- Fifty-four per cent of audited AAs (7/13) were non-compliant (NC-Mi) with the minimum map requirements and did not provide specific figure(s) showing the mapped locations and summary table of GPS coordinates for all targeted surveys detailed in the BDAR.

- Forty-two per cent of audited AAs (5/13) were non-compliant (NC-Mi) as the BDAR did not provide a separate table with a consistent list of confirmed candidate species (with the BAM-C) identifying whether the species was recorded on site and how it was determined by the AA.

Stage 2 BAM – Avoiding and minimising impacts on biodiversity values

- Fifty per cent of audited HCC AAs (2/4) were partially compliant (PC) and demonstrated efforts to avoid and minimise direct impacts on biodiversity values in the BDAR.

- Twenty-five per cent of audited HCC AAs (1/4) could not be determined (ND) as the site was part of an approved rezoning process under the former legislation. Efforts to avoid and minimise direct impacts on biodiversity values were not clearly demonstrated and the BDAR was reliant on the outcome of the rezoning planning proposal.

- Forty-six per cent of audited AAs (6/13) were allocated a minor non-compliance (NC-Mi) as the BDAR did include mitigation measures/actions but a summary table of measures with the required level of detail including the action, outcome, timing and responsibility was not provided in the BDAR.

- Ninty-three per cent of audited AAs (12/13) were non-compliant (NC-Mi/NC-Ma) with the minimum map requirements as the lodged BDAR did not include the required figures including a map of the final project footprint (including any prescribed impacts, indirect impact zones and areas of biodiversity value where impact has been avoided)

Consistent BDARs

- As a general observation across the audits, BDAR templates created by AAs were varied in design and interpretation of the BAM minimum requirements (BAM 2017).

- The audit found the BDAR templates that followed the same structure as the BAM were the easiest to read and generally provided the key data, table and map information required by the BAM.

- The audit identified that the department has not developed a standardised BDAR template for AA to implement the BAM (2017) and AAs are required to develop their own BDAR template.

AA support material

- Based on AA feedback, the audit identified, 6 key areas for development of targeted Biodiversity Offset Scheme/BAM factsheets and guidance material.

- The highest priority supported by both councils and AAs was development of a BC Act factsheet for DA applicants and planning consultants that can be used as a starting point for discussion and consistent approach for what is required.

Species data and information in the TBDC

- There were 2 candidate species identified to have limited survey guidance or guidance that required clarification to assist AAs for planning targeted surveys.

- The audit identified that a consistent approach should be applied to providing reference to relevant BAM survey guidelines applicable to species credit species in the TBDC.

BioNet and Atlas data – use by AAs

- The audit identified based on a general observation across the representative sample of BDARs that not all BDARs clearly referenced the BioNet Atlas records for predicted candidate species.

- The BDAR does not identify whether AAs are using public access/registered user access or are a BioNet licensed user when accessing BioNet data records.

3. Systems and processes

Currency of BDAR

- Eighty-five per cent of audited AAs (11/13) were non-compliant (NC-Mi) with their requirements for BDAR certification and currency specified under the BC Act and did not submit a valid lodged BDAR to council in accordance with the BC Act.

- The audit found that the requirement to finalise the BAM-C prior to submitting the BDAR was not initially clearly understood by the audited AAs.

BOAMS/BAM-C management

- The audit identified based on a general observation across the representative sample of BDARs that there was an inconsistent set up and close out of BOAMS cases by audited AAs.

- Participating council feedback identified as a general audit observation that councils are not receiving the complete BDAR package (including GIS files and field sheets) as part of the DA and are requiring to follow up missing information from the AAs.

BDAR Biodiversity Offset Scheme Entry

- Twenty-three per cent of audited BDARs (3/13) did not provide the legislative reason under the BC Act to why the proposal entered the scheme and a BDAR is required.

- The BAM (2017) does not have a minimum requirement in the BDAR to include the legislative reason that the proposal entered the scheme and requires the preparation of a BDAR.

Accreditation Conditions (Code of Conduct – BOAMS QA)

- The audit identified as a general observation across the audits that AAs are saving over the BAM-C cases instead of creating a new version of the case for updates to lodged BDARs

- The audit found that lack of version control provides no record for future reference for the AA to have evidence of BAM-C data lodged with the BDAR and without version control, QA tracking for departmental auditing purposes was not possible as there were no records available for review.

- All audited AAs agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs and would be beneficial to standardise the use of both BOAMS/BAM-C by AAs.

Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)

- The audit found as a general observation that the BAM-C exported BAM Candidate Species Report was not attached to the BDAR as evidence of the predicted candidate species list assessed by the AA in the BDAR.

- The audit identified that the months surveyed by the AA for targeted surveys conducted for each candidate species was not shown on the BAM Candidate Species Report, only the recommended survey period for the confirmed candidate species.

- Targeted survey details entered by AA into BAM-C are unable to be checked by government (state/local) reviewers that do not have access to BOAMS.

4. Accredited assessor support

AA Training (Accreditation training and Reaccreditation training)

- AA training received from 2017–20 was varied and not consistent across the delivery of the training depending on when the AA attended the course.

- A consolidated package of refresher training was not provided for AAs on areas of the BAM that were missed in their training course due to timing to fill gaps.

- Audited AAs identified refresher training would be beneficial for a consistent application of the BAM and standardise use of both BOAMS/BAM-C.

- All audited AAs identified a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs.

Accreditation conditions

Code of Conduct – Quality Assurance (QA)

- Eighty-five per cent of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for quality assurance (QA).

- Levels of QA varied depending on the size of the company and number of AAs on staff. Larger companies had established documented systems with allocated AAs on projects, while smaller companies had processes in place but not formally documented.

- Audited AA sole traders rarely had peer reviews completed of their own work and often relied on the outcomes of reviews from Government (state or local) to identify areas for improvement.

Code of Conduct – Conflict of Interest (COIs)

- Eighty-five per cent of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for COIs.

- Larger companies had established documented systems with allocated AAs on projects while smaller companies had processes in place but not formally documented.

- While assessors have been trained on COIs as part of their accreditation training, in practice there were different interpretations of what COIs are and how the AA manages this aspect of the code.

Record keeping

- Seventy-five per cent of audited HCC AAs (3/4) were non-compliant (NC-Mi) as relevant records were not provided in a legible form clearly associated with the targeted threatened species field surveys (including field data sheets) completed as part of the BDAR.

- Based on the BDAR records received from the audited HCC AAs, clear guidance on what records they should be keeping, and the format is required to provide a consistent approach for record keeping in accordance with Conditions 3 and 4 of the Accreditation Certificate.

5. Complaint and feedback management framework

- The audit identified a gap and need for a complaint resolution framework for Biodiversity Offset Scheme disputes between council as the determining authority and the AA.

- The way feedback (positive or negative) is reported to BOS Branch on AAs behaviour or quality of work is not standardised or formalised into a department Policy.

6. Local Government support

LG Support (In person)

- All participating councils (15) identified it would be beneficial if they had a consistent contact within the Department Biodiversity and Conservation Division (BCD) Regional Planning teams that could assist them resolving more complicated issues under the scheme.

LG Biodiversity Offset Scheme training

- Feedback from participating councils identified that refresher training would be beneficial, particularly any updates to the LG training already received (such as LG Approvers course, AA 5-day course and LG Support Officer training).

LG Guidance support and material

- Feedback from participating councils identified the need for ongoing support and guidance on the scheme.

- Participating councils identified that they had previously utilised the LG Regional Support Officer allocated to their region and benefited from the LG support at a regional level with regular newsletters, support material and a help desk to navigate council issues on the scheme.

8.2   Audit key recommendations

The findings of the Compliance Audit identified 32 recommendations across the following 6 key recommendation themes:

1. Audited BDARs and Accredited Assessor non-compliances – 1 recommendation
2. Biodiversity Assessment Method (BAM) – 9 recommendations
3. Systems and processes – 9 recommendations
4. Accredited Assessors Support – 8 recommendations
5. Complaints and Feedback Management – 2 recommendations
6. Local Government Support – 3 recommendations

A more detailed discussion of each key recommendation theme, key findings and recommendations has been provided within Section 9 of this document and summarised in Section 10. Once adopted, these recommendations are likely to improve the AA accreditation program and implementation of scheme in New South Wales under BC Act.

8.3   Completed recommendations

The Compliance and Licensing (C&L) Branch have worked with the Biodiversity Offset Scheme (BOS) Branch to consider and implement responses to the preliminary audit findings and feedback from key stakeholders while the audit was still in progress.

The benefit of this approach has enabled over 80% of the departmental recommendations (26/32) that focus on improvements to processes, systems, and guidance for all stakeholders to have been partially completed or completed.

Of the 32 audit recommendations, 12 have been completed, 14 are partially completed and 6 are commenced, in progress. Further details of actioned recommendations including completed recommendations and proposed follow up actions for those recommendations in progress, have been summarised in Section 10.

A summary of the status of each recommendation includes:

1. **Audited BDARs and Accredited Assessor non-compliances** –
   1 recommendation completed
   - Respond to audited AAs with individual findings and recommended actions
     - Recommendation 1 – **Completed**

2. **Biodiversity Assessment Method (BAM)** – 9 recommendations (1 completed)
   - *BAM (2017) and Operational Manual (Stage 1 and 2)*
     - Recommendation 2a – **Completed**
     - Recommendation 2b – **Partially completed**
     - Recommendation 2c – **Partially completed**
   - *Consistent BDARs*
     - Recommendation 3 – **Partially completed**
   - *AA support material*
     - Recommendation 4a – Commenced
     - Recommendation 4b – Commenced
   - *Species data and information in the TBDC*
     - Recommendation 5a – Commenced
     - Recommendation 5b – Commenced
   - *BioNet and Atlas data – use by AAs*
     - Recommendation 6 – Commenced

3. **Systems and processes – 9 recommendations (7 completed)**
   - *Currency of BDAR*
     - Recommendation 7a – Completed
     - Recommendation 7b – Completed
   - *BOAMS/BAM-C management*
     - Recommendation 8a – Completed
     - Recommendation 8b – Partially completed
     - Recommendation 9 – Partially completed
   - *BDAR Biodiversity Offset Scheme Entry*
     - Recommendation 10a – Completed
     - Recommendation 10b – Completed
   - *Accreditation Conditions (Code of Conduct – BOAMS QA)*
     - Recommendation 11 – Completed
   - *Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)*
     - Recommendation 12 – Completed

4. **Accredited Assessors Support – 8 recommendations (2 completed)**
   - *AA Training (Accreditation and Reaccreditation training)*
     - Recommendation 13a – Completed
     - Recommendation 13b – Completed
   - *Accreditation Conditions (Code of Conduct - Quality Assurance)*
     - Recommendation 14 – Commenced, in progress
   - *Accreditation Conditions (Code of Conduct – COIs)*
     - Recommendation 15a – Partially completed

- o Recommendation 15b – Partially completed
- o Recommendation 15c – Partially completed
- *Accreditation Conditions – Record Keeping*
  - o Recommendation 16a – Partially completed
  - o Recommendation 16b – Partially completed

5. **Complaints and Feedback Management – 2 recommendations (1 completed)**
   - *Complaints and feedback management framework*
     - o Recommendation 17 – Partially completed
     - o Recommendation 18 – Completed

6. **Local Government Support – 3 recommendations**
   - *LG Support (In person)*
     - o Recommendation 19 – Partially completed
   - *LG Biodiversity Offset Scheme training*
     - o Recommendation 20 – Partially completed
   - *LG Guidance support and material*
     - o Recommendation 21 – Partially completed

9. Audit findings and recommendations

9.1 Audited BDARs and Accredited Assessor (AA) non-compliances

9.1.1 Audit findings

At the commencement of the audit, there were 370 AAs on the AA Public Register (February 2020) with 297 AAs located within a private consultancy (ecological or other). 65 AAs (18%) of the total AAs had certified the 83 undetermined BDARs considered as part of the representative sample for this audit (refer to Section 5.2).

Twenty per cent of AAs (13) were formally audited out of total number of 65 AAs who had certified the BDARs that met the audit rules as part of the audit process (including the audit of 13 BDARs and interview of 17 certifying AAs)

When assessed across the 13 audit representative samples, overall performance of audited BDARs and AAs were ranked as 46% high compliance risk, 31% medium compliance risk and 23% low compliance risk (Figure 12).

High risk

The highest % fell within the high-risk category with 46% of audited BDARs and AAs (6/13) (Figure 12) ranked as high risk with greater than 70% of non-compliances allocated or 4 or more major non-compliances (NC-Ma) received. These audited BDARs and AAs were from the representative sample of DAs from 3 regions – HCC, South West (SW) and North East (NE) regions.
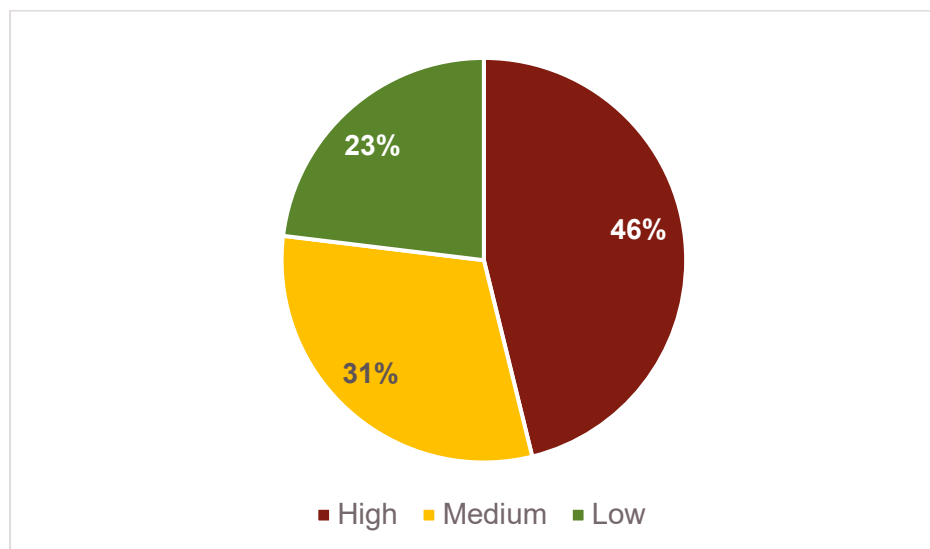
Figure 12 Overall performance of audited AAs (%)

Medium risk

Thirty-one per cent of audited BDARs and AAs (Figure 12) were ranked as medium risk with between 50-70% of non-compliances allocated or 1 major non-compliance (NC-Ma). These audited BDARs and AAs were from the representative sample of DAs from 3 regions – Greater Sydney (GS), NE and South East (SE) regions.

Low risk

Overall, 23% of audited BDARs and AAs (Figure 12) were ranked as low risk with no major non-compliances allocated. These BDARs and AAs were from the representative sample of DAs from 3 regions – HCC, North West (NW) and SE regions.

9.1.2 Audited BDARs and AA non-compliances

None of the audited AAs and their BDARs (0/13) were fully compliant when assessed overall against selected audit criteria based on the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.

Overall, the major non-compliances (NC-Ma) allocated were generally related to the technical representative samples assessed across the audits.

9.1.3 Key findings

- Sixty-five AAs (18%) of the total AAs (370) had certified the 83 eligible BDARs considered as part of the representative sample for this audit.

- Thirteen AAs (20%) were audited as part of the audit process which included the audit of 13 undetermined BDARs and interview of 17 certifying AAs.

- Overall, 23% of audited *BDARs and* AAs (3/13) were ranked as low compliance risk with no major non-compliances allocated.

- Thirty-nine per cent of audited *BDARs and* AAs (4/13) were ranked as medium compliance risk with between 50-70% of non-compliances allocated or 1 major non-compliance.

- The highest % fell within the high-risk category with 46% of audited BDARs and AAs (6/13) ranked as a high compliance risk with greater than 70% of non-compliances allocated or 4 or more major non-compliances (NC-Ma).

- None of the audited AAs and their *BDARs (0/13)* were fully compliant when assessed overall against selected audit criteria based on the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.

9.1.4 Key recommendations

Recommendation 1:

Respond to audited AAs with individual findings and recommended actions to follow up on identified non-compliances.

9.2   Biodiversity Assessment Method (BAM)

9.2.5 BAM audit findings

BAM – Introduction to the proposal

Seventy-five per cent of audited HCC AAs (3/4) (Figure 13) were non-compliant (NC-Mi) with the minimum information and map requirements relating to the description of the proposal being assessed by the BDAR.

Audited BDARs were considered non-compliant as an adequate detailed description of proposal was not provided in the BDAR. This is critical to assess the potential construction impacts (temporary) or operation impacts (long-term) of the proposed development on the biodiversity values identified within the development site. Detailed figures were also not provided showing the potential construction footprint, the full extent of all potential impacts (direct and indirect) and the proposed final operational layout.

■ Compliant (C)   ■ Partially Compliant (PC)
■ Non-compliant Minor (NC-Mi)   ■ Non-compliant Major (NC-Ma)
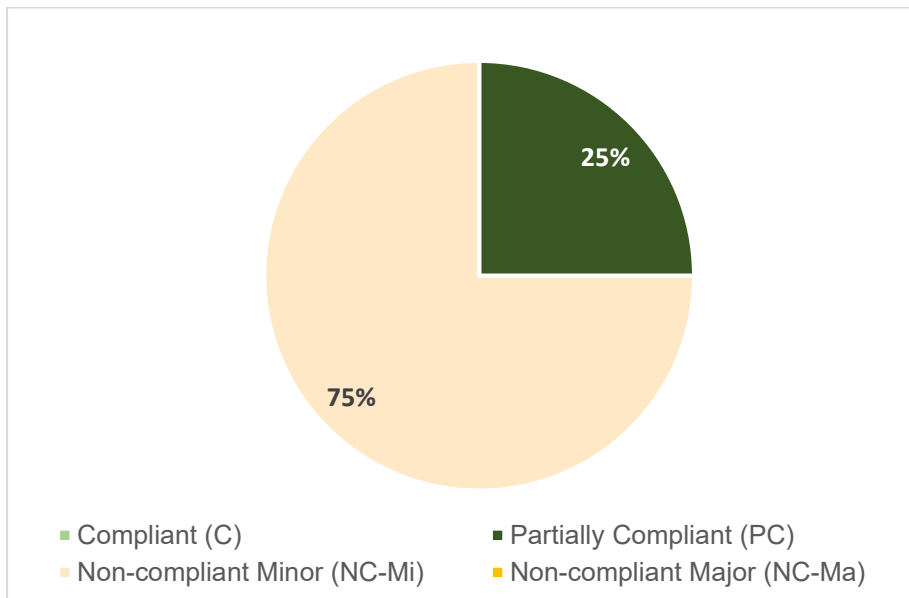
**Figure 13 % of compliance for Introduction to the Proposal
             BAM information and map minimum requirements**

The audit also found that BAM (2017) and the Stage 1 BAM Operational Manual does not provide any guidance on the level of detail required on the proposed development beyond the minimum requirements set out in Table 25 and Table 26 (Appendix 10) of the BAM.

Non-compliance with the minimum map requirements was contributed to the misalignment of the map requirement requiring inclusion of a final project footprint (including operational and construction) being specified under Stage 2 Avoid and minimise impacts (Table 26, Appendix 10) and not under Stage 1 Introduction (Table 25, Appendix 10) with the other Introduction to the Proposal minimum BAM requirements.

All 'Introduction to the proposal' BAM requirements should be consolidated into Stage 1 Introduction and clear guidance of the level of detailed required provided in the BAM Operational Manual Stage 1.

BAM Stage 1 – Biodiversity Assessment

1. Habitat suitability for predicted candidate species representative samples

Excluded predicted candidate species (Species credit species)

There were 31 excluded predicted candidate species sampled as part of the representative sample (11 flora and 20 fauna species). 63% of representative excluded predicted species sampled (19/31) (Figure 14) were non-compliant (NC-Mi/NC-Ma) against the audit criteria with the BDAR not providing adequate justification for exclusion. 10% of the representative samples (3/31) received a major non-compliance (NC-Ma) as the BDAR contained no justification for exclusion or did not consider the predicted candidate species identified in the BAM-C. These representative samples all excluded predicted flora species (refer to break down of flora samples in Figure 16).

Of these samples, 48% of excluded predicted species (15/31) (Figure 15) should have been retained in the BAM-C and further assessment/targeted surveys conducted by the AA. This was largely contributed to the representative flora samples, where 82% of excluded predicted flora species (9/11) should have been retained based on the information provided in the BDAR and likelihood of potential habitat being present on site.
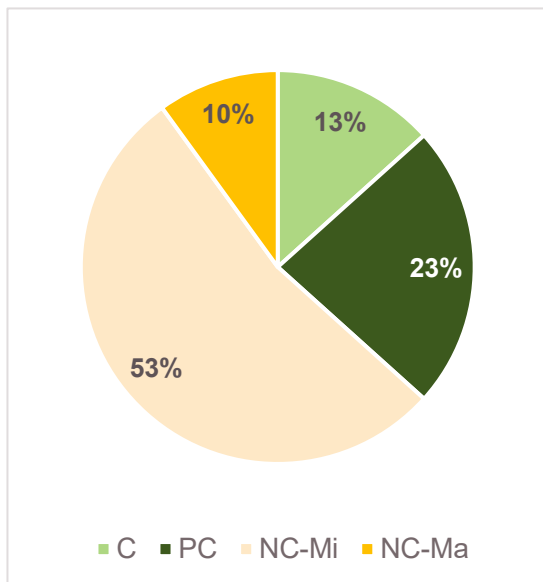
Figure 14 % compliance of representative samples with adequate exclusion justification
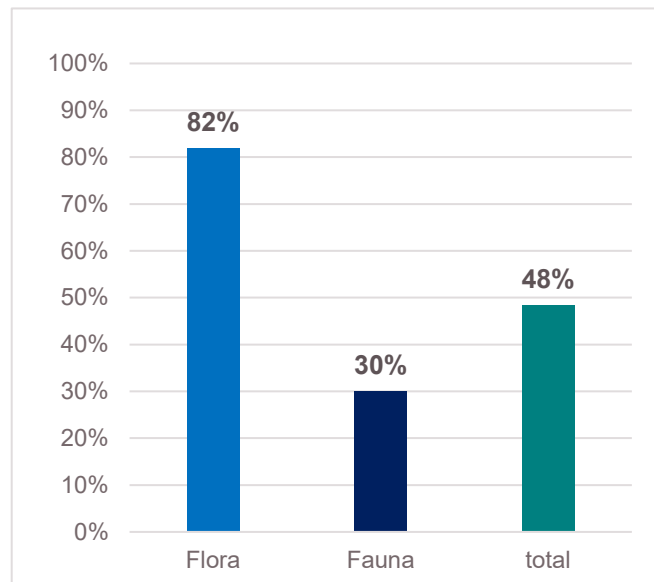
Figure 15 % of representative samples where species should have been retained in BAM-C and further assessment conducted

The audit identified that the BDAR needs to clearly show what candidate species were predicted in the BAM-C, and whether these species were either excluded (with adequate justification) or confirmed as candidate species with an important habitat map, targeted surveys, assumed present or an expert report prepared.

Non-compliances for the representative excluded predicted species were attributed to:

- confusion on when to exclude a predicted candidate species from the BAM-C
- habitat constraints (such as hollow-bearing trees) were not surveyed or mapped on site for predicted candidate species in the BDAR

- the BDAR did not clearly identify relevant BAM-C criteria (habitat constraints, geographic limitation areas, vagrancy or degraded habitat) or reference BioNet Atlas records for predicted candidate species

- BDAR did not include adequate details and outcomes of habitat assessments/general surveys (including survey method, effort and timing) to support exclusion of the candidate species from further targeted assessment/ surveys

- additional threatened species identified as likely to occur (based on previous surveys/ reports/records) are not being added to the BAM-C as a candidate species for consideration

- confusion on what is a dual credit fauna species and how to adequately justify exclusion as a predicted candidate species (species credit species) where foraging habitat is present and/or the species was recorded during surveys but the habitat constraints for breeding are not present on site.

A further breakdown of representative samples for flora and fauna excluded predicted candidate species are provided in Figures 16 to 19.

Representative excluded samples – predicted candidate flora species

Ninty-one per cent of representative flora excluded predicted species sampled (10/11) (Figure 16) against the audit criteria were non-compliant (NC-Mi/NC-Ma) with the BDAR providing inadequate justification for exclusion of predicted candidate species assessed. Twenty-seven per cent of the flora representative samples (3/11) (Figure 9.5) received a major non-compliance (NC-Ma) as the BDAR contained no justification for exclusion or did not consider the predicted candidate species identified in the BAM-C.

Eighty-two per cent of predicted excluded flora species (9/11) (Figure 17) should have been retained based on the information provided in the BDAR and likelihood of potential habitat being present on site. All excluded representative flora samples for canopy (3/3) (100%) and groundcover species (3/3)(100%) and 75% of mid-storey species (3/4) (Figure 17) should have been retained as a confirmed candidate species and not excluded by the AA in the BAM-C and BDAR.
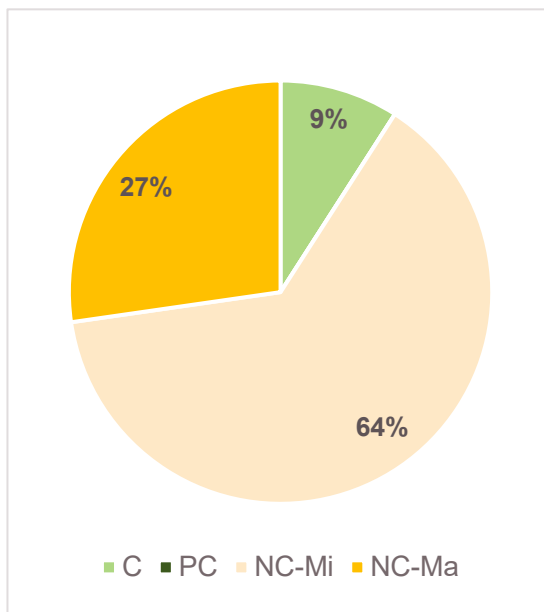
Figure 16 % compliance of flora representative samples with adequate exclusion justification
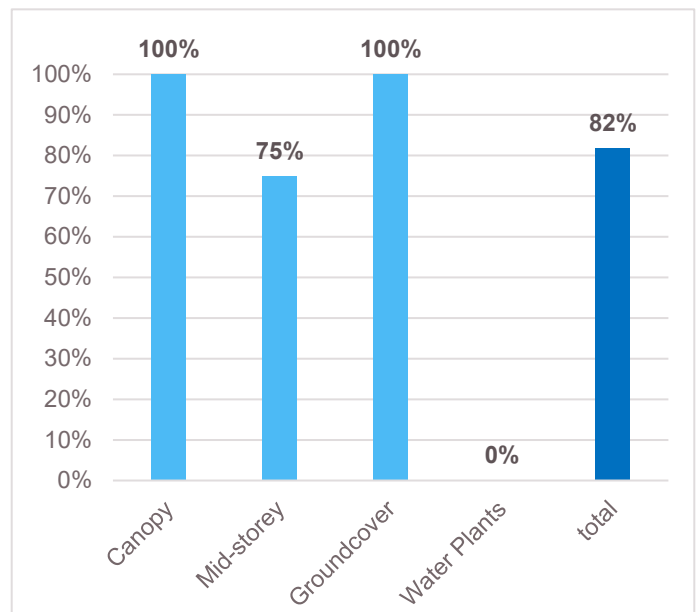
Figure 17 % of flora representative samples where species should have been retained in BAM-C and targeted survey conducted

Representative excluded samples – predicted candidate fauna species

Forty-five per cent of representative fauna excluded predicted species sampled (9/20) (Figure 18) were non-compliant (NC-Mi) against the audit criteria with the BDAR providing inadequate justification for exclusion of predicted candidate species assessed. No fauna representative samples received a major non-compliance (NC-Ma) for not including an exclusion justification.

Thirty per cent of predicted excluded fauna species (6/20) (Figure 19) should have been retained based on the information provided in the BDAR and likelihood of potential habitat being present on site.

More than half of the excluded representative fauna species sampled within the invertebrate (67%) and amphibian (50%) faunal groups (Figure 19) should have been retained as a confirmed candidate species and not excluded by the AA in the BAM-C and BDAR.
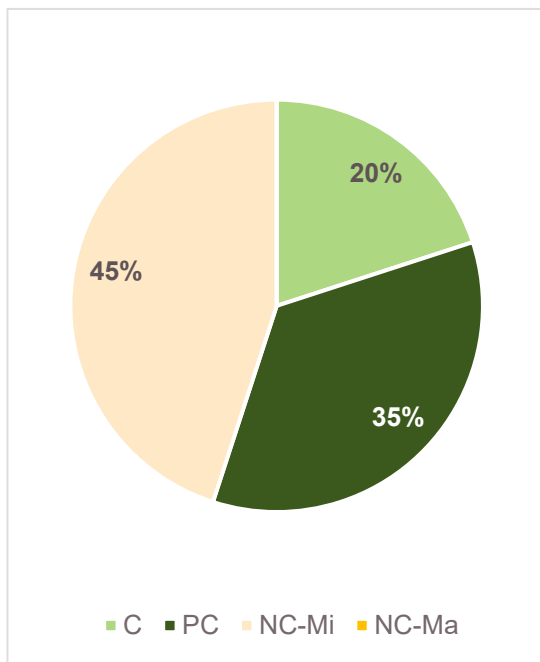
Figure 18 % compliance of fauna representative samples with adequate exclusion justification
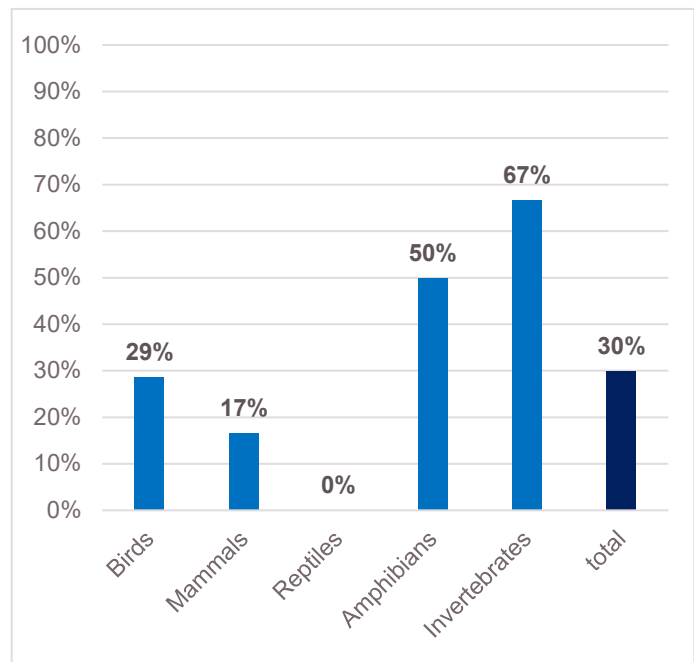
Figure 19 % of fauna representative samples where species should have been retained in and BAM-C and targeted survey conducted

2. Confirmed candidate species (species credits) – targeted surveys

Forty-six per cent of audited AAs (6/13) (Figure 20) were non-compliant (NC-Mi) with providing the minimum information requirements relating to the confirmed candidate species targeted surveys being assessed by the BDAR.

Non-compliance with audit criteria was associated with:

- the BDAR not linking the targeted survey to the specific confirmed candidate species
- target surveys were aimed at multiple confirmed candidate species with no reference to recommended survey periods or specific survey requirements (if relevant) for individual candidate species
- the BDAR did not include all the relevant information on targeted surveys required by the BAM including detailed information on survey technique, effort, timing and specific weather condition for the targeted surveys in the BDAR.

Fifty-four per cent of audited AAs (7/13) (Figure 21) were non-compliant (NC-Mi) with the minimum map requirements relating to confirmed candidate species targeted surveys being assessed by the BDAR. Audited BDARs did not provide specific figure(s) showing the mapped locations and summary table of GPS coordinates for all targeted surveys detailed in the BDAR.
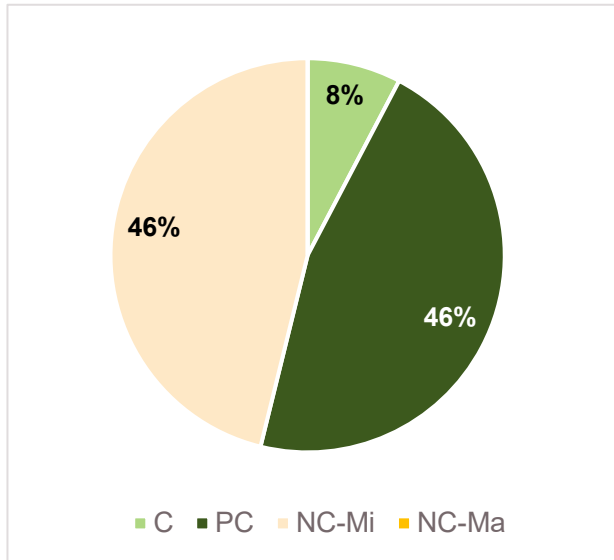
Figure 20 % compliance with targeted survey BAM information requirements
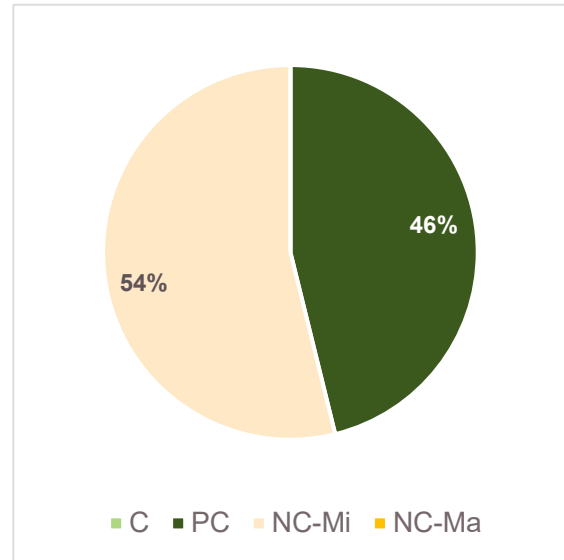
Figure 21 % compliance with targeted survey BAM map requirements

Confirmed candidate species (Species credit species) representative samples

There were 20 confirmed candidate species sampled as part of the representative sample (6 flora and 14 fauna species). Audit criteria considered (1) whether the survey was conducted during the recommended period, (2) whether a map and GPS coordinates of the targeted surveys was provided and (3) if the BDAR included detailed information on the targeted survey (including weather conditions, methods and effort).

Sixty-five per cent (13/20) representative samples were non-compliant (NC-Mi / NC-Ma) when assessed for all audit criteria relating to detailed targeted survey information provided in the BDAR.

Overall, 10 major non-compliances (NC-Ma) were observed within 40% of the representative samples (8/20) as the BDAR did not adequately consider the confirmed candidate species identified in the BAM-C with either missing key targeted survey information or no evidence of targeted surveys conducted was provided in the BDAR. These major non-compliances fell across both flora (2/6) and fauna (6/14) confirmed candidate species.

A further breakdown of representative samples for the 20 confirmed candidate species requiring a targeted survey are provided in Figures 22 to 25.

Fifty per cent of representative samples (10/20) (Figure 22) were non-compliant (NC-Mi/NC-Ma) with providing the minimum targeted survey information requirements relating to the confirmed candidate species targeted surveys being assessed by the BDAR. There was only 1 major non-compliance (NC-Ma) allocated to this audit criteria as there was no evidence that a targeted survey had been conducted for this confirmed fauna candidate species. Overall, the flora and fauna representative samples had the same percentage (50%) of non-compliances with this audit criteria.

Forty per cent of representative samples (8/20) (Figure 23) were non-compliant (NC-Mi / NC-Ma) with the minimum map requirements relating to confirmed candidate species targeted surveys being assessed by the BDAR. Audited BDARs did not provide specific figures showing the mapped locations and GPS coordinates for the confirmed candidate targeted survey. Five major non-compliances (NC-Ma) were allocated to both the fauna representative samples (3/14) and flora representative samples (2/6). Overall, the fauna representative samples had a higher percentage of non-compliances with this audit criteria with 42% of fauna samples (6/14) non-compliant compared with 33% of flora samples (2/6).
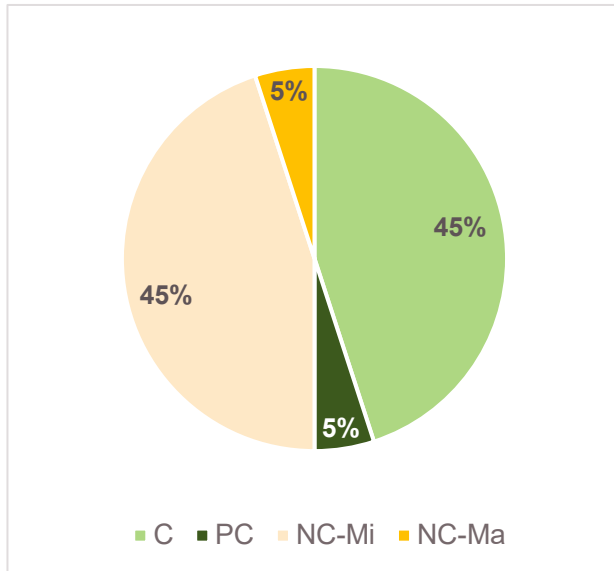
Figure 22 % of representative samples that had adequate targeted survey information
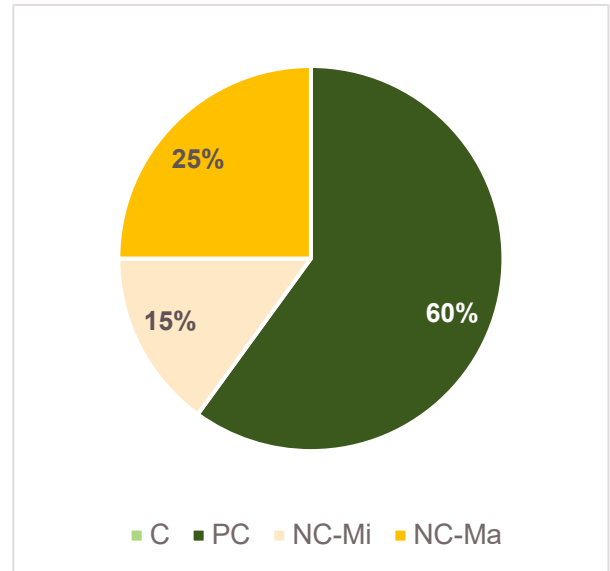
Figure 23 % of representative samples that had a targeted survey map and GPS coordinates

Thirty five per cent of representative samples (7/20) (Figure 24) were non-compliant (NC-Mi/NC-Ma) with undertaking confirmed candidate species targeted surveys within the recommended survey period. All major non-compliances (NC-Ma) were allocated within the fauna representative samples (4/20). Overall, the fauna representative samples had a higher percentage of non-compliances with this audit criteria with 43% of fauna samples (6/14) non-compliant compared with 17% of flora samples (1/6).
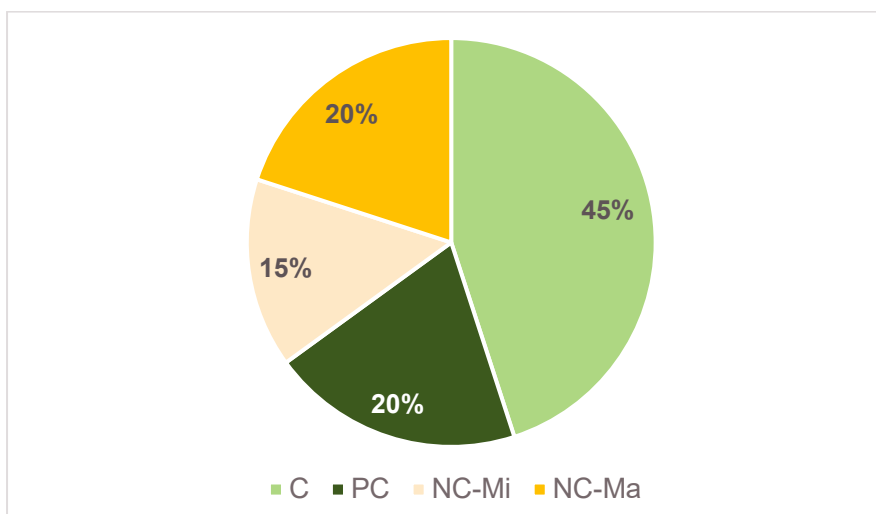
Figure 24 % of representative samples that had conducted surveys within the recommended survey period

Non-compliances for targeted survey representative species were attributed to:

- a quality assurance issue was identified with data validity with the list of confirmed candidate species surveyed identified in the BDAR not matching the confirmed candidate species in BAM-C

- there was no clear link between targeted surveys conducted in the BDAR and how they meet the survey requirements for the confirmed candidate species

- inadequate survey details on methods, effort, weather and timing, including no targeted survey location map, no specific weather conditions, reference to recommended survey periods and no GPS coordinates survey locations

- the specific guidance in the TBDC and/or published relevant survey guidelines were not referenced and how targeted surveys met these requirements, including the recommended survey timing and weather conditions

- no justification where survey methods have varied or are outside the recommended survey timing and how this has affected survey reliability and detectability of the species

- external reports relied upon by the AA were not attached and consultant not referenced as part of the BDAR team.

3. Presence of confirmed candidate species (species credit)

Fifty-eight per cent of audited AAs (7/13) (Figure 25) were partially compliant (PC) with the minimum table requirements identifying the confirmed candidate species in a table and their presence status on site.

Forty-two per cent of audited AAs (5/13) (Figure 25) were non-compliant (NC-Mi) as the BDAR did not provide a separate table with a consistent list of confirmed candidate species (with the BAM-C) identifying whether the species was recorded on site and how it was determined by the AA.

This audit criteria was not applicable (N/A) for 8% of audited AAs (1/13) (Figure 25) as all predicted candidate species were excluded for further assessment.
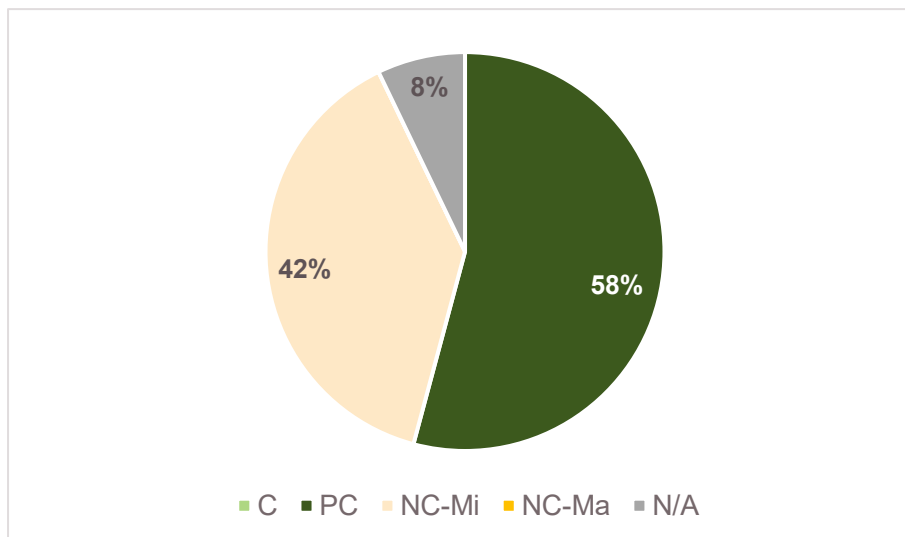
Figure 25 **% of compliance for presence of candidate species BAM table requirements**

The audit identified BDARs were missing the following key requirements:

- a separate table identifying each confirmed candidate species presence status, how it was determined and whether dual credit (important for those species recorded on site but no breeding habitat present)
- a consistent list of species with the BAM-C confirmed candidate species and how presence was determined (important habitat map, survey, export report or assumed presence)
- records of all threatened species recorded on site (both ecosystem credit and species credit species) were not clearly shown on a map in the BDAR.

BAM Stage 2 – Impact Assessment

Avoid and Minimise – minimum information requirements

Fifty per cent of audited HCC AAs (2/4) (Figure 26) were partially compliant (PC) and demonstrated efforts to avoid and minimise direct impacts on biodiversity values in the BDAR.

The BDARs that were partially compliant demonstrated that biodiversity values on site had been considered and avoided where possible in the final design. Where the development was part of a larger estate development, the BDAR included adequate details on native vegetation, endangered ecological communities (EECs) and threatened species habitat within the development site, a proposed retained E2 zoned area and context to the wider study area. This enabled the AA to draw on this information to demonstrate how avoidance had been achieved through project design and the value of the retained E2 zone area for threatened species habitat and to maintain the connectivity of a known regional vegetation corridor.

Twenty-five per cent of audited AAs (1/4) (Figure 26) were non-compliant (NC-Mi) as efforts to avoid and minimise direct impacts on site biodiversity values in the BDAR was not clearly demonstrated by the AA within the final development plan.

Twenty-five per cent of audited AAs (1/4) (Figure 26) could not be determined (ND) as the site was part of an approved rezoning process under the former legislation. Efforts to avoid and minimise direct impacts on biodiversity values were not clearly demonstrated and the BDAR was reliant on the outcome of the rezoning planning proposal. The whole development site was to be cleared with no avoidance measures applied within the development area as part of the site had been retained and rezoned as E2 environmental conservation. Adequate information from the planning proposal had not been provided to demonstrate how avoidance had been achieved through project design or the value of the retained E2 zone area for threatened species habitat.
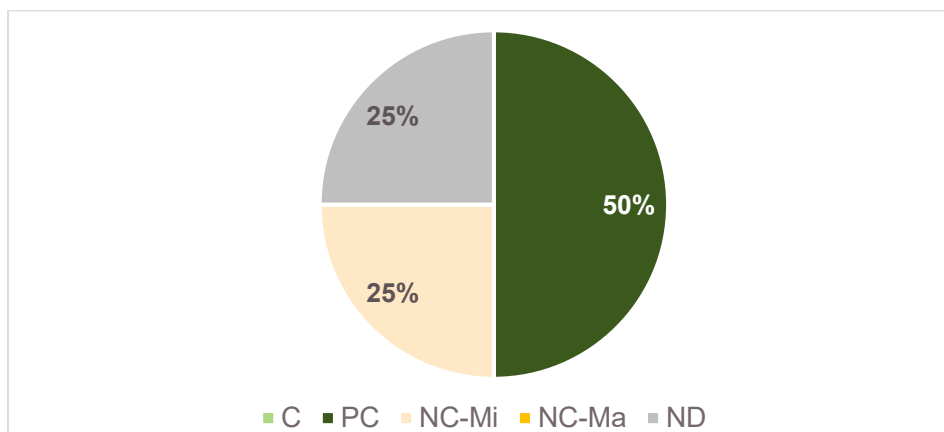
Figure 26 % compliance with adequate consideration of avoid and minimise

The audit identified that the assessment of avoidance and what is 'reasonable' can be subjective and difficult to assess for certain developments. This was particularly evident for those that have been subject to approval process under the former legislation (e.g. rezoning planning proposal) where the DA is reliant on the outcome of the approval and the whole development site's biodiversity values have been approved in concept to be cleared.

The audit findings identified that where a development forms part of a larger development or approved plan (such as masterplan, concept approval or rezoning planning proposal) providing adequate information in the BDAR from relevant approved documentation is critical to demonstrate how biodiversity values have been considered in the approval process. Clear guidance is required in the Stage 2 BAM Operational Manual to support the adequate consideration of avoid and minimise to standardise the assessment of this aspect of the BAM.

Avoid and Minimise – minimum BAM table and map requirements

Fifty-four per cent of audited AAs (7/13) (Figure 27) were compliant (C/PC) with the minimum table requirements and included a table of measures in the BDAR to avoid and minimise the impacts of the proposal.

Forty-six per cent of audited AAs (6/13) (Figure 27) were allocated a minor non-compliance (NC-Mi) as the BDAR did include mitigation measures/actions but a summary table of measures with the required level of detail including the action, outcome, timing and responsibility was not provided in the BDAR.
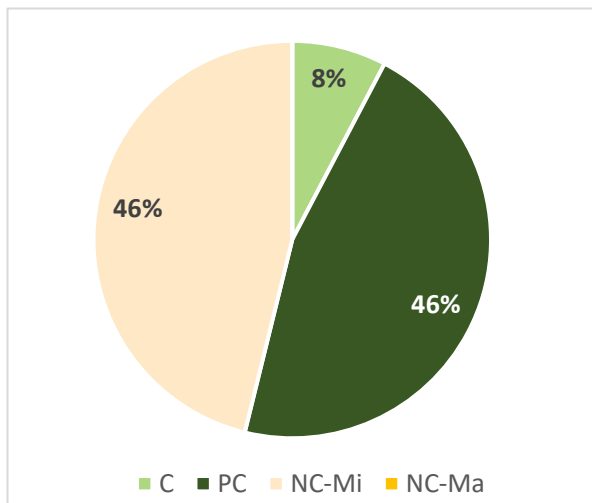
Figure 27 % compliance with Stage 2 Table requirements
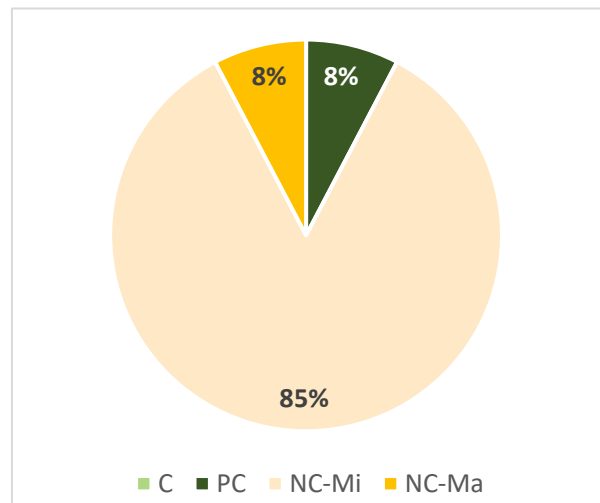
Figure 28 % compliance with Stage 2 map requirements

Ninty-three per cent of audited AAs (12/13) (Figure 28) were non-compliant (NC-Mi/NC-Ma) with the minimum map requirements as the lodged BDAR did not include the required figures including a map of the final project footprint showing:

- demarcation of any prescribed impacts and measures to minimise impacts
- indirect impact zones where applicable
- areas of biodiversity value of where impact has been avoided.

A minor non-compliance (NC-Mi) was allocated to AAs that had assessed the potential impacts of the proposed development (including prescribed and indirect impacts) but had not provided the relevant figures in the BDAR.

Eight per cent of audited AAs (1/13) received a major non-compliance (NC-Ma) as the BDAR did not identify or assess any identified prescribed impacts in accordance with the BAM.

9.2.6 2A/2B/2C: Updates to BAM (2017) and BAM Operational Manual (Stage 1 and 2)

2A: Updates required to BAM (2017)

Based on the audit findings, there were 3 key areas identified within BAM 2017 where audited AAs were applying the BAM inconsistently and would benefit from clearer guidance or inclusion of additional requirements in BAM (2017) to clarify what is required within a BDAR.

Key areas include:

1. **Introduction to Stage 1** – Proposal details (construction and operational footprints) and entry threshold that required assessment under the scheme
2. **Stage 2 Impact Assessment** – Avoid and minimise direct impacts within the buffer area around breeding habitat features such as nest trees or caves
3. **Appendix K Table 24 Minimum requirements table** – add into Introduction, map requirements for BDARs, inclusion of final proposal footprint (including construction and operational footprints).

2B: BAM Operational Manual Stage 1

Based on the audit findings, 8 key areas were identified within BAM Stage 1 Biodiversity Assessment where AAs were applying the BAM inconsistently and would benefit from clearer guidance in the BAM Stage 1 Operational Manual to clarify what is required within a BDAR.

Key areas include:

1. Introduction to the Proposal
2. Entry into the scheme and any further considerations within the BDAR
3. Method used (linear/site-based)
4. Consistent mapping of IBRA region and sub region
5. Defining dual credit species
6. Exclusion/inclusion justification for predicted and candidate species
7. Separation of ecosystem and species credit species – different assessment requirements
8. TBDC information for survey for species credit species.

2C: BAM Operational Manual Stage 2

Based on the audit findings, 4 key areas were identified within BAM Stage 2 Impact Assessment where AAs were applying the BAM inconsistently and would benefit from clearer guidance in the BAM Stage 2 Operational Manual to clarify what is required within a BDAR.

Key areas include:

1. Avoidance
   a. what is reasonable avoidance and evidence minimum requirements to demonstrate)
   b. how to include adequate information from an approved Concept Design or Planning Proposal to justify adequate avoidance and alternatives considered

2. TBDC recommendations for specific species credit species (such as buffer widths for areas essential for breeding where disturbance should be minimised, clearing should be avoided, and recommended mitigation measures should works be undertaken near a breeding site e.g. white-bellied sea-eagle and powerful owl).

3. Indirect impacts (how to identify, assess and mitigate impacts)

4. Serious and Irreversible Impact (SAII) entity assessment (AA requirements for assessment).

2D: Consistent BDARs

The audit identified as a general observation across the audits that BDAR templates created by audited AAs were varied in design and interpretation of the BAM minimum requirements (BAM 2017). The audit found the BDAR templates that followed the same structure as the BAM were the easiest to read and generally provided the key data, table and map information required by the BAM.

The audit identified that the department has not developed a standardised BDAR template for AA to implement the BAM (2017) and AAs are required to develop their own BDAR template based on the AA (sole trader) and/or company's interpretation of the BAM requirements.

The following key areas were identified for consistent approach based on the scope of the audit criteria and review of representative BDARs during the audit:

Introduction

- A standardised way of declaring any identified Conflict of Interest (COI)
- Identification of the scheme entry.
- Provision of detailed information on final proposal design and reference to key relevant DA documentation
- Inclusion of the project history (for complex or multi-staged projects)

Stage 1 – Biodiversity Assessment

- Adequate exclusion/inclusion justification of predicted and candidate species (both ecosystem and species credit) and evidence required
- Standardised table format to capture AA assessment of species excluded, candidate species requiring further assessment
- Standardised way to provide evidence of habitat constraints for fauna candidate species
- Provision of a recorded threatened species map including consideration of the sensitive species policy and records

Stage 2 – Impact Assessment

- Summary of important biodiversity values identified on site that require assessment.
- Guidance on justifying final design, alternatives and avoidance of biodiversity values
- Provision of a map showing direct impact areas and any avoided areas within development site
- Identification of any prescribed and indirect impacts and provision of a map showing areas/zones.

2E: Accredited Assessor support material

The audit identified based on AA feedback (refer to Table 8.1 Appendix 8), 6 key areas for the development of targeted Biodiversity Offset Scheme /BAM factsheets and guidance material.

One of the key areas identified by AAs as a high priority was the development of a factsheet for DA applicants and planning consultants on the BC Act that can be used by AA and local government as a starting point for discussion and consistent approach to detail what is required.

The following key areas were identified for development of new guidance material:

Biodiversity Offset Scheme/BAM Factsheets

- Entry into the Biodiversity Offset Scheme factsheet for applicants and planning consultants – what is required and obligations under the BC Act
- Guidance for Planning Proposals – standardise what is required and level of information for councils and applicants

BAM Guidance support material

1. Guidance on justifying final design, alternatives and avoidance of biodiversity values
2. TBDC information for survey and recommendations for species credit species (including adequate consideration of avoidance of breeding habitat and disturbance within nesting buffers).
3. Candidate fauna species – level of detail for exclusion justification and minimum survey requirements.
4. Asset Protection Zone (APZ) for Area clearing threshold (Biodiversity Offset Scheme entry) and adequately considering what is required for bushfire.

2F: Species data and information in the TBDC

Species credit species TBDC profiles

On review of the species profiles for species credit species in the Threatened Biodiversity Data Collection (TBDC) as part of the audit representative samples, there were 2 candidate species identified to have limited survey guidance or guidance that required clarification to assist AAs for planning targeted surveys.

The audit identified that updates to these species' profiles would be required to provide clearer guidance for AAs for targeted surveys.

Leafless tongue orchid (Cryptostylis hunteriana)

On review of the TBDC profile for this species, survey guidance requires clarification in relation to where the boundary is between the southern and northern population. Guidance in the TBDC profile provides recommendations for different survey times for the northern and southern populations, but the advice does not state where the boundary between those populations is located.

In April 2020 the accountable officer for this species was contacted and following a discussion the 'General Notes' section has been updated with clearer guidance on targeted surveys for this species.

Common planigale (Planigale maculata)

On review of the TBDC profile for this species, there is currently limited survey guidance for this species with survey guidance general in the DEC (2004) survey guidelines. The TBDC profile 'general notes' should be updated to provide any new guidance on the preferred survey methods for this species so that appropriate methods are used to increase the chance of detecting this species in the field.

In April 2020, the accountable officer for this species was contacted to initiate a review of the TBDC notes for this species to include more detailed survey guidelines (like those for the brush-tailed phascogale).

BAM targeted survey guidelines

The audit identified that new survey guidelines have been published by the department to provide systematic approach and minimum standards for surveying threatened species when applying the BAM.

On review of the TBDC as part of the audit representative samples, the amphibian species had referenced the new threatened frog survey guidelines that had been published in the TBDC species profile along with other relevant information for the species. Some bat species credit species such as the large-eared pied bat referenced the new threatened bat survey guide as part of the TBDC species profile, but others did not (such as the little bent-winged bat and large bent-winged bat).

The audit identified that a consistent approach should be applied to providing reference to relevant BAM survey guidelines applicable to species credit species in the TBDC.

The following survey guidelines have now been published:

- NSW Survey Guide for Threatened Frogs – A guide for the survey of threatened frogs and their habitats for the Biodiversity Assessment Method (September 2020)
- Surveying threatened plants and their habitats – NSW survey guide for the Biodiversity Assessment Method (April 2020)
- 'Species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method (October 2018).

Additional survey guidelines for other fauna groups such as birds, mammals (such as koala) and invertebrates are currently under preparation by the BOS Branch.

2G: BioNet Atlas data – use by AAs

The audit identified based on a general observation across the representative sample of BDARs that not all BDARs clearly referenced the BioNet Atlas records for predicted candidate species and when referenced, whether the records were sourced using the public access/registered user access or as a BioNet licensed user.

Public/registered user access to the BioNet Atlas excludes certain records and provides more limited information about the records, including non-provision of certain fields/attributes and denaturing the locations of sensitive species.

Ecological consultants, AAs and council staff, especially those using it for development impact assessment or property-scale planning, should obtain access as a licensed user under a sensitive species data licence access to BioNet and not use the data via the public access or as a registered user.

9.2.7 Key findings

2A/2B/2C – BAM (2017) and BAM Operational Manual (Stage 1 and 2)

Introduction to the proposal

Seventy-five per cent of audited HCC AAs (3/4) were non-compliant (NC-Mi) with the minimum information and map requirements relating to the description of the proposal (both construction and operational footprint) being assessed by the BDAR.

The BAM (2017) and the Stage 1 BAM Operational Manual does not provide any guidance on the level of detail required on the proposed development beyond the minimum requirements set out in Table 25 and Table 26 (Appendix 10) of the BAM.

Stage 1 BAM – Species credit species habitat suitability and targeted survey

Sixty-three per cent of representative excluded predicted species sampled (19/31) were non-compliant (NC-Mi/NC-Ma) against the audit criteria with the BDAR not providing adequate justification for exclusion of predicted candidate species assessed.

Forty-eight per cent of excluded predicted species (15/31) should have been retained in the BAM-C and further assessment/targeted surveys conducted by the AA.

Foty-six per cent of audited AAs (6/13) were non-compliant (NC-Mi) with providing the minimum information requirements relating to the confirmed candidate species targeted surveys being assessed by the BDAR. The BDARs did not link targeted surveys to specific confirmed candidate species or provide detailed targeted survey information required by the BAM.

Fifty-for per cent of audited AAs (7/13) were non-compliant (NC-Mi) with the minimum map requirements and did not provide specific figure(s) showing the mapped locations and summary table of GPS coordinates for all targeted surveys detailed in the BDAR.

Forty-two per cent of audited AAs (5/13) were non-compliant (NC-Mi) as the BDAR did not provide a separate table with a consistent list of confirmed candidate species (with the BAM-C) identifying whether the species was recorded on site and how it was determined by the AA.

Stage 2 BAM – Avoiding and minimising impacts on biodiversity values

Fifty per cent of audited HCC AAs (2/4) were partially compliant (PC) and demonstrated efforts to avoid and minimise direct impacts on biodiversity values in the BDAR.

Twenty-five per cent of audited HCC AAs (1/4) could not be determined (ND) due to the site having been part of an approved rezoning process under the former legislation. Efforts to avoid and minimise direct impacts on biodiversity values were not clearly demonstrated and the BDAR was reliant on the outcome of the rezoning planning proposal.

Forty-six per cent of audited AAs (6/13) were allocated a minor non-compliance (NC-Mi) as the BDAR did include mitigation measures / actions but a summary table of measures with the required level of detail including the action, outcome, timing and responsibility was not provided in the BDAR.

Ninty-three per cent of audited AAs (12/13) were non- compliant (NC-Mi/NC-Ma) with the minimum map requirements as the lodged BDAR did not include the required figures including a map of the final project footprint (including any prescribed impacts, indirect impact zones and areas of biodiversity value of where impact has been avoided)

2D – Consistent BDARs

As a general observation across the audits, BDAR templates created by AAs were varied in design and interpretation of the BAM minimum requirements (BAM 2017).

The audit found the BDAR templates that followed the same structure as the BAM were the easiest to read and generally provided the key data, table and map information required by the BAM.

The audit identified that the department has not developed a standardised BDAR template for AA to implement the BAM (2017) and AAs are required to develop their own BDAR template.

2E – AA support material

The audit identified based on AA feedback, 6 key areas for the development of targeted Biodiversity Offset Scheme/BAM factsheets and guidance material.

The highest priority supported by both councils and AAs was the development of a factsheet for DA applicants and planning consultants on the BC Act that can be used as a starting point for discussion and consistent approach for what is required.

2F – Species data and information in the TBDC

There were 2 candidate species identified to have limited survey guidance or guidance that required clarification to assist AAs for planning targeted surveys.

The audit identified that a consistent approach should be applied to providing reference to relevant BAM survey guidelines applicable to species credit species in the TBDC.

2G – BioNet and Atlas data – use by AAs

The audit identified based on a general observation across the representative sample of BDARs that not all BDARs clearly referenced the BioNet Atlas records for predicted candidate species.

The BDAR does not identify whether AAs are using public access/registered user access or are a BioNet licensed user when accessing BioNet data records.

9.2.8 Key Recommendations

2A/2B/2C – BAM 2017 and BAM Operational Manual (Stage 1 and 2)

Recommendation 2A-C:

Review BAM (2017) and BAM Operational Manual (Stage 1 and 2) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.

2D – Consistent BDARs

Recommendation 3:

Prepare a BDAR template to provide a consistent approach across AAs and assist reviewers (Determining authority and the Department). A BDAR template for streamlined assessments should also be prepared.

2E – AA support material

Recommendation 4:

4a: Develop new guidance material for planning proposals and entry into the Biodiversity Offset Scheme for applicants and planning consultants.

4b: Provide further BAM implementation guidance and clarification for 4 key areas identified for AAs

2F – Species data and information in the TBDC

Recommendation 5:

5a: Updates for guidance on survey requirements were identified for 2 specific species.

5b: The TBDC species credit profiles should reference any relevant BAM fauna survey guidelines developed such as NSW Survey Guide for Threatened Frogs for Green and Golden Bell Frogs.

2G – BioNet and Atlas data – use by AAs

Recommendation 6:

Review minimum user requirements for AAs accessing species data from BioNet and provide user guide for AAs

9.3   Systems and processes

9.3.1   3A: Currency of BDAR

Under section 6.15 of the BC Act, the BAM-C must be finalised and BDAR certified within 14 days prior to lodgement of the DA. The finalised BAM-C date is the legal date. Both the BAM-C must be finalised and BDAR must be certified within 14 days of lodgement to the determining authority for the BDAR to be considered a valid BDAR under the BC Act.

85% of audited AAs (11/13) (Figure 29) were non-compliant (NC-Mi) with their requirements for BDAR certification and currency specified under the BC Act and did not submit a valid lodged BDAR to council in accordance with the BC Act.
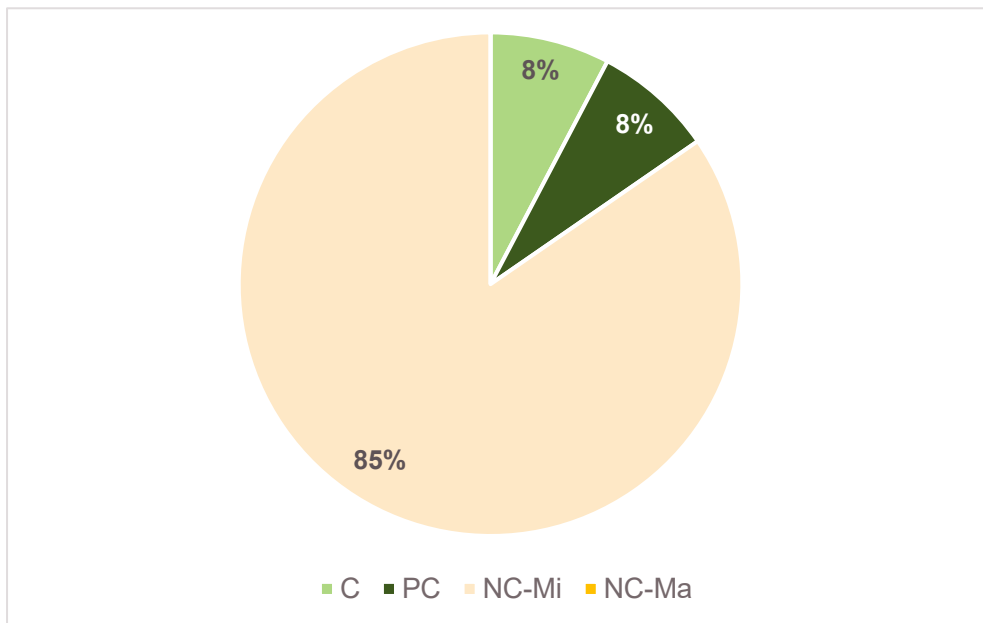
Figure 29 % compliance with BDAR certification and currency requirements

The audit identified during the AA interviews that the requirement to finalise the BAM-C prior to submitting the BDAR was not initially clearly understood by the audited AAs. The audit also found that some planning consultants/proponents are lodging BDARs with their DAs and not informing the AA when the timeframe is beyond the 14 days after BDAR certification which is difficult for the AA to control.

It was a general observation during the audit that where the BAM-C was not finalised:

- the BAM-C was not consistent with lodged BAM-C reports and list of predicted candidate species for consideration

- the BAM-C updates could continue to occur and update BDAR requirements for new candidate species even though BDAR has been lodged to determining authority

- open BAM-C cases can create a QA issue relating to inconsistency between the BAM-C and BDAR with differences noted between the lodged and final BDAR.

9.3.2 3B: BOAMS/BAM-C case management

The audit identified based on a general observation across the representative sample of BDARs that there was an inconsistent set up and close out of BOAMS cases by audited AAs. This included QA issues with BAM-C version control (saving over the existing case), BOAMs cases not finalised submitted prior to lodgement and relevant files not saved as attachments (such as lodged BDAR versions, GIS data and field sheets).

Feedback from audited AAs identified that the AA training received from 2017–20 was varied and not consistent across the delivery of the training depending on when the AA attended the course. The use of BOAMS and the BAM-C was one area that AAs identified as challenging and was a key area for refresher training as part of reaccreditation.

All audited AAs agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs and would be beneficial for to standardise the use of both BOAMS/BAM-C by AAs.

Participating council feedback also identified as a general audit observation that councils are not receiving the complete BDAR package (including GIS files and field sheets) as part of the DA and are requiring to follow up missing information from the AAs.

9.3.3 3C: BDAR Biodiversity Offset Scheme Entry

Twenty-three per cent of audited BDARs (3/13) (Figure 30) did not provide the legislative reason under the BC Act to why the proposal entered the scheme and a BDAR is required. The BAM (2017) does not have a minimum requirement in the BDAR to include the legislative reason that the proposal entered the scheme and requires the preparation of a BDAR.

Fifty-four per cent of audited BDARs (7/13) entered the scheme by the area clearing threshold (Figure 31). 2 audited BDARs identified that both the Biodiversity Values map and area clearing threshold entered the DA into the scheme. No BDARs entered the scheme by the test of significance (refer to Table A6.1 in Appendix 6).
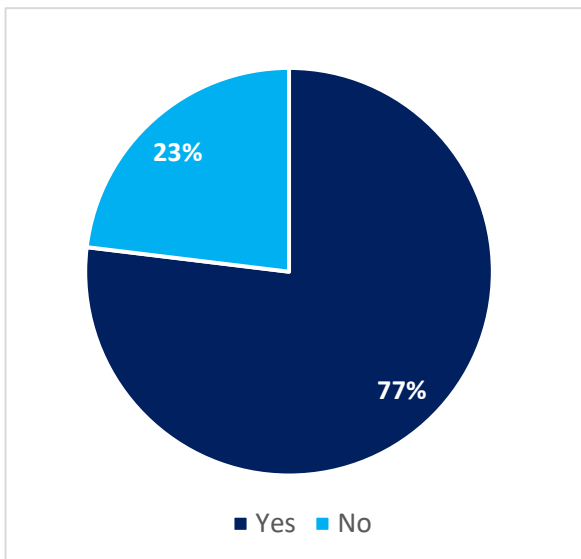
Figure 30 % of audited BDARs that identified the scheme trigger
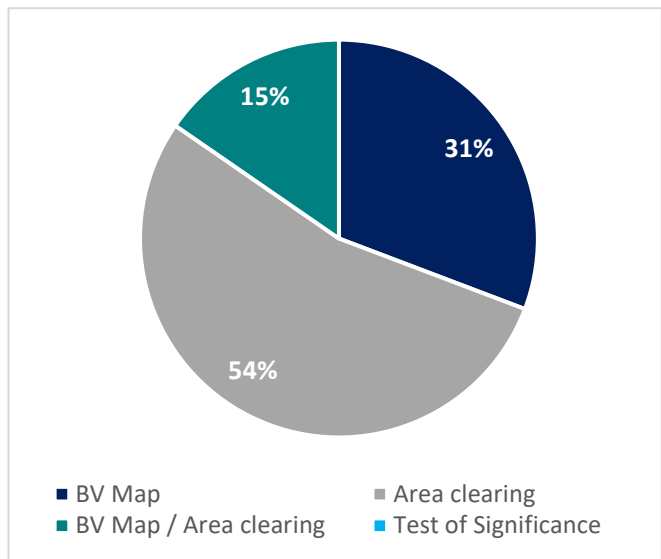
Figure 31 Audited BDAR scheme trigger

9.3.4 3D: Accreditation Conditions - Code of Conduct (BOAMS Quality Assurance)

The audit identified as a general observation across the audits that AAs are saving over the BAM-C cases instead of creating a new version of the case for updates to lodged BDARs requested by council as the determining authority or by the BCD Regional Planning teams. This observed from evidence from the audit review of BOAMS and BAM-C cases during the audit.

The audit found that lack of version control provides no record for future reference for the AA to have evidence of BAM-C data lodged with the BDAR. It was also noted that any changes between versions was generally not documented in revised BDARs and without version control QA tracking for departmental auditing purposes was not possible as there were no records available for review.

Feedback from audited AAs identified that the AA training received from 2017-2020 was varied and not consistent across the delivery of the training depending on when the AA attended the course. The use of BOAMS and the BAM-C was one area that AAs identified as challenging and was a key area for refresher training as part of reaccreditation.

All audited AAs agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs and would be beneficial for to standardise the use of both BOAMS/BAM-C by AAs.

9.3.5 3E: Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)

On review of the BAM-C exported BAM Candidate Species Report for each BDAR, the months surveyed by the AA for targeted surveys conducted for each candidate species was not shown on the exported report, only the recommended survey period for the confirmed candidate species. This meant that the BAM-C targeted survey data that should correlate with the targeted survey data in the BDAR, were only shown within BAM-C and not available for review by council BDAR reviewers that do not have access to BOAMS case file.

The audit found as a general observation that BAM-C exported BAM Candidate Species Report was not attached to the BDAR as evidence of the predicted candidate species list assessed by the AA in the BDAR.

This report is important evidence for the AA to demonstrate they have adequately considered all predicted candidate species and consistency between the data in the BDAR and BAM-C case file. This BAM-C export report should be updated to contain the relevant targeted survey months to be marked off by the AA to allow for easy comparison between the BDAR and BAM-C without requiring access to the BAM-C case file.

9.3.6 Key Findings

3A – Currency of BDAR

- Eighty-five per cent of audited AAs (11/13) were non- compliant (NC-Mi) with their requirements for BDAR certification and currency specified under the BC Act and did not submit a valid lodged BDAR to council in accordance with the BC Act.

- The audit found that the requirement to finalise the BAM-C prior to submitting the BDAR was not initially clearly understood by the audited AAs.

3B – BOAMS/BAM-C management

- The audit identified based on a general observation across the representative sample of BDARs that there was an inconsistent set up and close out of BOAMS cases by audited AAs.

- Participating council feedback identified as a general audit observation that councils are not receiving the complete BDAR package (including GIS files and field sheets) as part of the DA and are requiring to follow up missing information from the AAs.

3C – BDAR Biodiversity Offset Scheme Entry

- Twenty-three per cent of audited BDARs (3/13) did not provide the legislative reason under the BC Act to why the proposal entered the scheme and a BDAR is required.

- The BAM (2017) does not currently have a minimum requirement in the BDAR to include the legislative reason that the proposal entered the scheme and requires the preparation of a BDAR.

3D – Accreditation Conditions (Code of Conduct – BOAMS QA)

- The audit identified as a general observation across the audits that AAs are saving over the BAM-C cases instead of creating a new version of the case for updates to lodged BDARs

- The audit found that lack of version control provides no record for future reference for the AA to have evidence of BAM-C data lodged with the BDAR and without version control, QA tracking for departmental auditing purposes was not possible as there were no records available for review.

- All audited AAs agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs and would be beneficial for to standardise the use of both BOAMS/BAM-C by AAs.

3E – Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)

- The audit found as a general observation that the BAM-C exported BAM Candidate Species Report was not attached to the BDAR as evidence of the predicted candidate species list assessed by the AA in the BDAR.

- The audit identified that the months surveyed by the AA for targeted surveys conducted for each candidate species was not shown on the BAM Candidate Species Report, only the recommended survey period for the confirmed candidate species.

- Targeted survey details entered by AA into BAM-C are unable to be checked by Government (state/local) reviewers that do not have access to BOAMS.

9.3.7 Key Recommendations

3A – Currency of BDAR

Recommendation 7

7a: Educate AAs on requirements for certifying a valid BDAR.

7b: Include BOAMS training in new and reaccreditation assessors training to standardise how accredited assessors use BOAMS/BAM-C.

3B – BOAMS/BAM-C case management

Recommendation 8:

8a: Training for existing and new AA should include a BOAMs case study that clearly demonstrates the establishment of the parent case, set up of a child case and BAM-C, finalising/submitting case and close out of a BOAMS parent case.

8b: Update to BOAMS user guide – Detailed step by step guidance is required for consistent set up, management and close out of both parent and child cases and finalising the BAM-C.

Recommendation 9:

Provide guidance on what BDAR documentation should be provided to the consent authority and saved in BOAMS including reasons why this is important to AAs.

3C – BDAR Biodiversity Offset Scheme Entry

Recommendation 10:

10a: Addition of scheme entry into the BAM-C to track the reason why a BDAR has entered the Biodiversity Offset Scheme.

10b: Include requirement in BAM 2020 update to provide a section in the BDAR that includes the scheme entry and any required attachments in the BDAR Appendix (such as BMAT report or Test of Significance)

3D – Accreditation Conditions (Code of Conduct – BOAMS QA)

Recommendation 11:

To standardise how accredited assessors use the BOAMS/BAM-C, it is recommended that BOAMS training including a case study from set up to finalisation is included in updated and new reaccreditation assessors training.

3E – Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)

Recommendation 12:

The format of Candidate Species Report exported from BAM-C should be updated to show the months surveyed by AA for each candidate species credit species.

9.4 Accredited assessor support

4A: AA Training (Accreditation and Reaccreditation training)

Feedback from audited AAs identified that the AA training received from 2017–20 was varied and not consistent across the delivery of the training depending on when the AA attended the course.

AAs who attended the first series of the training course rollout identified that there was key reference material and systems not available due to timing of the training prior to the enactment of the BC Act. This was particularly challenging for use of BOAMS and the BAM-C which were not available to review or practice use of the system as part of the course.

AAs also noted key reference material (such as Offset rules and Operational Manuals) were missing from their training courses and other AA guidance (such as AA updates) have been continually released which has been challenging to keep up with new advice on the interpretation of the BAM.

A consolidated package of refresher training was not provided for AAs on areas of the BAM that were missed in their training course due to timing to fill gaps. While AA webinars have filled gaps, AAs identified refresher training as part of reaccreditation would be beneficial for a consistent application of the BAM and standardise use of both BOAMS/BAM-C. All agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs.

The key areas to focus on for new accreditation and reaccreditation training include:

1. understanding the role of the consent authority (council as the decision maker)
    a. identifying opportunities and benefits for early consultation with decision maker
    b. legislative requirements for decision makers to condition offset obligations
    c. the discretion available to a decision maker to use other information in a Biodiversity Assessment Report (BAR) to condition any approval
2. greater emphasis on BAM minimum requirements to be met when applying each stage of BAM
3. habitat suitability assessment and exclusion of species from assessment
4. dual credit species – what they are and how they are managed in assessment
5. avoiding and minimising impacts, including examples, to support improved and consistent assessment in BARs
6. Code of Conduct and accreditation conditions, including identifying and management of COIs
7. BOAMS case study from set up to finalisation of a case.

In addition, focus for reaccreditation training on:

8. resources available to support consistent preparation of BARs and discussion on how BARs prepared by assessors meet BAM minimum requirements.

AA feedback received during the interview process was summarised (refer to Table A8.1 Appendix 8) and utilised to identify the key needs for future AA scheme support by the department.

4B: Accreditation Conditions – Code of Conduct

Levels of formally documented processes and procedures for team management, quality assurance (QA) and conflict of interest (COIs) varied depending on the size of the company and the number of AAs on staff.

Fifteen per cent of interviewed AAs (2/13) had a documented process in place for both QA and COIs and were compliant (C) with their requirements under the Code of Conduct (Figure 32). These AAs were from a large consultancy with established and documented company-wide processes in place.
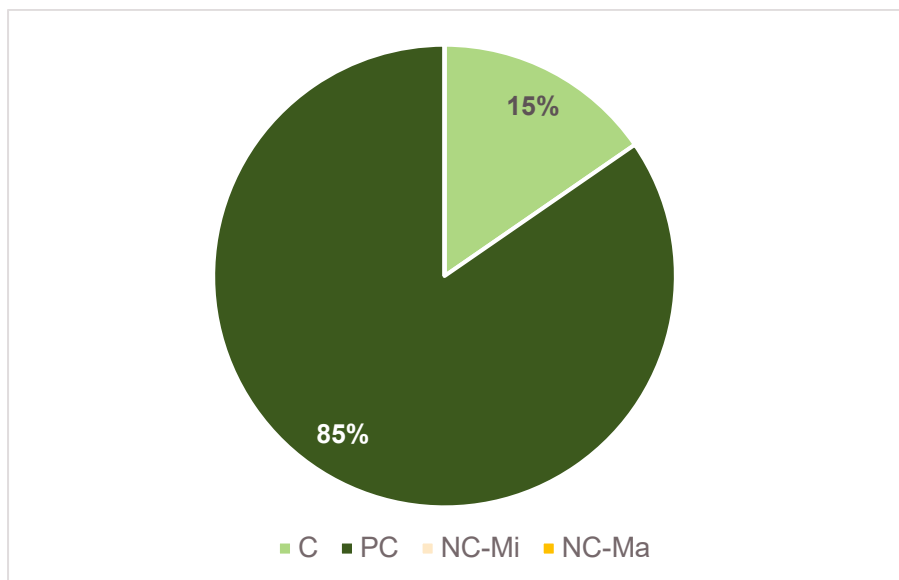
Figure 32 % compliance in managing the BDAR team, QA and COIs

Eighty-five per cent of AAs (11/13) were considered partially compliant (PC) as their processes were not formally documented (Figure 32) but the interviewed AAs could:

- adequately describe the process applied for management of the BDAR team and QA
- identify what a COI was and how to manage a COI but generally had not identified any to date so had no formal procedures in place.

Key findings included:

- levels of QA varied depending on the size of the company and number of AAs on staff
- larger consultancies had established documented systems with allocated AAs on projects while smaller consultancies had processes in place but not formally documented
- audited AA sole traders rarely had peer reviews completed of their own work and often relied on the outcomes of reviews from government (state or local) to identify areas for improvement
- while assessors have been trained on COIs as part of their accreditation training, in practice there were different interpretations of what COIs are and how the AA manages this aspect of the code.

9.4.8 4C: Accreditation Conditions – record keeping

Twenty-five per cent of the audited HCC AAs (1/4) (Figure 33) were partially compliant (PC) and provided the relevant records relating to targeted threatened species in a legible form. However, no field sheets were provided for targeted survey of threatened plants but GIS shapefiles of parallel transects were provided.

Seventy-five per cent of the audited HCC AAs (3/4) (Figure 33) were non-compliant (NC-Mi) and did not provide relevant records in a legible form clearly associated with targeted threatened species field surveys (including field data sheets) completed as part of the BDAR. Relevant targeted survey data could not be found within the data provided for the representative sample candidate species credit species reviewed. No major non-compliances (NC-Ma) were allocated as all AAs responded to the audit data request within the specified timeframe.

25%

75%

■ C ■ PC ■ NC-Mi ■ NC-Ma
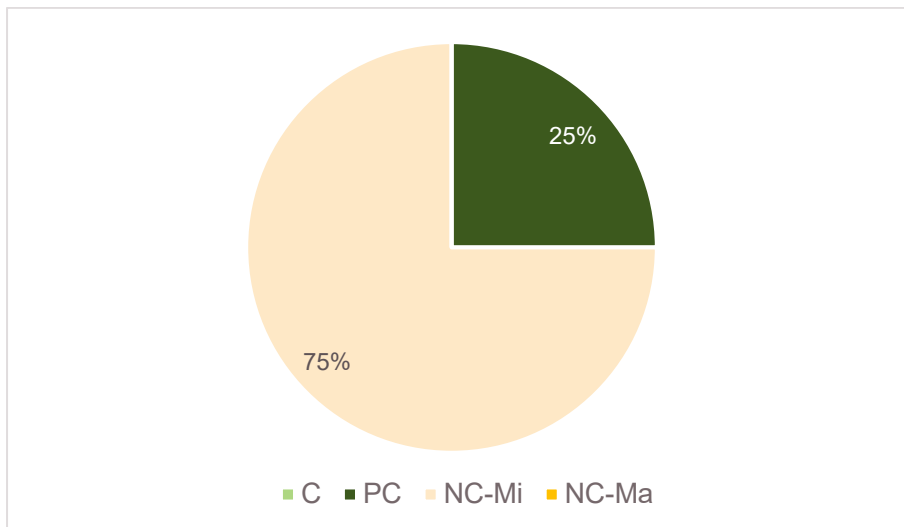
Figure 33 % compliance in targeted survey record keeping

The HCC AA data request did not specify exactly what records the AA was to provide to meet their accreditation certificate requirements. The purpose of this request was to identify whether the AA knew what type of records should be kept in accordance with Conditions 3 and 4 of the Accreditation Certificate. Audit evidence received from the HCC audited AAs indicated that adequate targeted survey records may not be kept by the AA to meet their obligations.

Based on the BDAR records received from the HCC AAs, clear guidance on what records they should be keeping, and the format is required to provide a consistent approach for record keeping in accordance with Conditions 3 and 4 of the Accreditation Certificate.

9.4.9 Key findings

4A – AA Training (Accreditation and Reaccreditation training)

- AA training received from 2017–20 was varied and not consistent across the delivery of the training depending on when the AA attended the course.

- A consolidated package of refresher training was not provided for AAs on areas of the BAM that were missed in their training course due to timing to fill gaps.

- Audited AAs identified refresher training would be beneficial for a consistent application of the BAM and standardise use of both BOAMS/BAM-C. All audited AAs identified a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs.

4B – Accreditation Conditions (Code of Conduct – Quality Assurance)

- Eighty-five per cent of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for quality assurance (QA).

- Levels of QA varied depending on the size of the company and number of AAs on staff. Larger companies had established documented systems with allocated AAs on projects while smaller companies had processes in place but not formally documented.

- Audited AA sole traders rarely had peer reviews completed of their own work and often relied on the outcomes of reviews from government (state or local) to identify areas for improvement.

4C – Accreditation Conditions (Code of Conduct – Conflict of Interest)

- Eighty-five per cent of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for COIs.

- Larger companies had established documented systems with allocated AAs on projects while smaller companies had processes in place but not formally documented.

- While assessors have been trained on COIs as part of their accreditation training, in practice there were different interpretations of what COIs are and how the AA manages this aspect of the Code.

4D – Accreditation Conditions (Record Keeping)

- Seventy-five per cent of audited HCC AAs (3/4) were non-compliant (NC-Mi) as relevant records were not provided in a legible form clearly associated with the targeted threatened species field surveys (including field data sheets) completed as part of the BDAR.

- Based on the BDAR records received from the audited HCC AAs, clear guidance on what records they should be keeping, and the format is required to provide a consistent approach for record keeping in accordance with Conditions 3 and 4 of the Accreditation Certificate.

9.4.10 Key recommendations

4A – AA Training

Recommendation 13a and b:

Review the accredited assessor 5-day course content and include training improvements for new and existing AAs in the key areas identified for new accreditation and reaccreditation training.

Accreditation Conditions – Code of Conduct

4B – Quality Assurance (QA)

Recommendation 14:

Develop a consistent approach for quality assurance for AA to meet their obligations under the Code of Conduct and their accreditation conditions.

4C – Conflict of Interest (COI)

Recommendation 15:

15a: Review the current COI wording within the code to be consistent with other department policies on COI (e.g. must declare and manage any identified COIs rather than 'must not act').

15b: Development of clear departmental guidance for identifying, managing, and declaring COIs.

15c: Prepare a standardised format for declaring any identified COIs in the BDAR template.

4D – Record Keeping

Recommendation 16:

16a: Guidance on what records should be kept and appropriate format (e.g. targeted survey field sheets, BAM survey plots, GPS survey locations, GIS files, field survey records)

16b: Targeted field survey templates could be incorporated in the relevant flora and fauna survey guidelines as an example.

9.5 Complaint and feedback management

9.5.11 5A: Complaints and feedback management framework

The audit found that there is not an established complaint resolution framework where complaints can be made and resolved in regard to Biodiversity Offset Scheme (including but not limited to BDAR assessments AA performance etc.) between disputed parties (e.g. AA, council or development proponents).

Disputes between the council and AA

During the audit, one of the audited AAs and participating councils were unable to resolve a BAM related matter associated with a BDAR review undertaken by council for a local development DA.

The audit found that the AA and council could not agree on each other's interpretation of BAM (2017). Council had reviewed the lodged BDAR with 7 versions of the BDAR produced by the AA subject to council review. The council supported the proposed development but was not satisfied that the BDAR met the BAM minimum requirements which overall affected the credit offset obligation for the proposed development. The AA disagreed with council and refused to prepare any further revisions of the BDAR to meet councils requirements.

The audit identified that both the audited AA and participating council required assistance with this BAM related matter from the department audit team as the issue was related to interpretation of the BAM which is administered by the department under the BC Act.

The identification of this matter during the audit, clearly identified a gap and need for a complaint resolution framework for disputes between council as the determining authority and the AA.

Complaints and feedback on AAs

During the audit, one of the participating councils wanted to make a complaint on both the behaviour and quality of an AAs work. The audit found that complaints and/or provide feedback (positive or negative) about an AAs work or behaviour relating to the preparation of BDARs and/or their role in the scheme as an accredited person were made by emailing the BOS Branch.

The audit identified that the BOS Branch receives feedback on AAs. However, without a standardised way of reporting a feedback to the department it was found difficult to assess a valid complaint.

The audit found that formalisation of this process into a Department Policy would standardise the way feedback received and enable further investigation where warranted for valid complaints.

9.5.12 Key findings

- The audit identified a gap and need for a complaint resolution framework for scheme disputes between council as the determining authority and the AA.

- The way feedback (positive or negative) is reported to BOS Branch on AAs behaviour or quality of work is not standardised or formalised into a Department Policy.

9.5.13 Key recommendations

Recommendation 17:

Development and implementation of a complaint and feedback management framework where Biodiversity Offset Scheme complaints can be made and resolved between disputed parties.

Recommendation 18:

Development and implementation of a Complaints and Feedback Management Policy by the BOS Branch.

9.6 Local Government support

9.6.14 6A: LG Support (In person)

The audit identified that all participating councils would find it beneficial if they had a consistent contact within the Department Biodiversity and Conservation Division (BCD) Regional Planning teams that could assist them navigating more complicated issues under the scheme.

Participating council feedback identified 2 key contacts that have been used to assist council with support on the Biodiversity Offset Scheme:

- Regional LG Support Officer

  o councils had previously utilised the LG Regional Support Officer allocated to their region and benefited from the relationship at a regional level.

  o this role had enabled councils to have a consistent person to contact within their region that understood the biodiversity reforms, regional issues and council could discuss technical/council specific issues on a case by case basis that the department Questions and Answers (Q&As) could not cover to this level of detail.

- BCD Regional Planning (RPs)

  o in some regions, councils appear to have regular contact and an established relationship with their BCD RP team, often seeking technical BDAR reviews and or guidance.

  o other councils are not aware they can seek advice and do not have contact details for their relevant BCD RP team.

9.6.15 6B: LG Biodiversity Offset Scheme training

The audit identified from feedback from participating councils that refresher training would be beneficial, particularly any updates to the LG training already received (such as LG Approvers course, AA 5-day course and LG Support Officer training).

Key targeted LG officers would include:

- council change over and training of new/additional staff
- council officers who were trained but things have changed/updated
- councils who have had limited to no implementation of the scheme within their LGA – No BDARs with LGA or just receiving first BDAR
- council staff who have attended the 5-day AA course and were competent but did not get accredited would like to have access to recertification training to keep on a level playing field with the AAs.

9.6.16 6C: LG Guidance support and material

The audit identified during interviews with participating councils that they had previously utilised the LG Regional Support Officer allocated to their region and benefited from the LG support at a regional level with regular newsletters, support material and a help desk to resolve council issues on the scheme.

The audit identified as a general observation across the participating council interviews the clear need for ongoing support and guidance on the scheme for local government.

Six key items were identified for development of materials on the scheme for LG:

1. LG Biodiversity Assessment and Approval Pathways flow chart – highly used resource included in previous AA and LG training provided. Resource prepared by Hunter Joint Organisation (HJO) and requires updating to a departmental resource and reflect current approval pathways.

2. BDAR reviewers – provide quick reference guide on key items to consider when initially reviewing a BDAR:

    • certified BDAR – what does this mean and legislative requirements
    • checklist for BDAR – standard BDAR proforma/template with certification and calculations
    • using BOAMS – How to use councils account and key items to review associated with BDARs

3. LG Training needed on how to interrogate the information within BAM-C and BDAR (what is important such as VI scores, likelihood table, justification for exclusion)

4. Guidance for Applicants – Issues with applicant and planning consultants not understanding Biodiversity Offset Scheme requirements

5. Planning proposal guidance – council need clear guidance to assist a consistent approach at pre-gateway and level of assessment required for Biodiversity impacts

6. Serious and Irreversible Impacts (SAII) – Access to accountable officers for SAII entities, access to mapped important habitat areas, guidance for LG decisions relating to clearing of SAII ecological communities.

9.6.17 Key findings

6A – LG Support (In person)

• All participating councils identified it would be beneficial if they had a consistent contact within the Department Biodiversity and Conservation Division (BCD) Regional Planning teams that could assist them navigating more complicated issues under the scheme.

6B – LG Biodiversity Offset Scheme training

• Feedback from participating councils identified that refresher training would be beneficial, particularly any updates to the LG training already received (such as LG Approvers course, AA 5-day course and LG Support Officer training).

6C – LG Guidance support and material

• Feedback from participating councils identified the need for ongoing support and guidance on the scheme.

• Participating councils identified that they had previously utilised the LG Regional Support Officer allocated to their region and benefited from the LG support at a regional level with regular newsletters, development of support material and a help desk to navigate council issues on the scheme.

9.6.18 Key recommendations

6A – LG Support (In person)

Recommendation 19:

BOS Branch to investigate opportunities for LG Support and connect councils with their relevant BCD Regional Planning team.

6B – LG Biodiversity Offset Scheme training

Recommendation 20:

Identify opportunities to utilise material developed for AA new/ recertification training (elearning modules) for other Biodiversity Offset Scheme stakeholders.

6C – LG Guidance support and material

Recommendation 21:

Re-establish LG Guidance support on the Biodiversity Offset Scheme for councils across the state. 5 key items were identified for development of materials on the scheme.

10. Compliance audit summary of findings and recommendations

10.1 Audited BDARs and Accredited Assessor (AA) non-compliance

Table 3   1A – Audited BDARs and Accredited Assessor (AA) non-compliance

Finding	Recommendations	Status of recommendations
• 65 AAs (18%) of the total AAs (370) had certified the 83 eligible BDARs considered as part of the representative sample for this audit. • 13 AAs (20%) were audited as part of the audit process which included the audit of 13 BDARs and interview of 17 certifying AAs. • Overall, 23% of audited BDARs and AAs (3/13) were ranked as low compliance risk with no major non-compliances allocated. • 31% of audited BDARs and AAs (4/13) were ranked as medium compliance risk with between 50-70% of non-compliances allocated or 1 major non-compliance. • The highest % fell within the high-risk category with 46% of audited BDARs and AAs (6/13) ranked as a high compliance risk with greater than 70% of non-compliances allocated or 4 or more major non-compliances (NC-Ma). • None of the audited AAs and their BDARs (0/13) were fully compliant when assessed overall against selected audit criteria based on the minimum requirements set out by their accreditation conditions and/or requirements of the BC Act.	**Recommendation 1:** Respond to audited AAs with individual findings and recommended actions to follow up on identified non-compliances.	**Completed** • **Completed** – C&L Branch sent out letters to the 13 individual AAs at the end of August 2021 with details of AA individual findings and recommended actions for follow up.

10.2 Biodiversity Assessment Method (BAM)

Table 4   2A – BAM (2017) and Operational Manual Stage 1

Finding	Recommendations	Status of recommendations
BAM – Introduction to the Proposal • 75% of audited HCC AAs (3/4) were non-compliant (NC-Mi) with the minimum information and map requirements relating to the description of the proposal (both construction and operational footprint) being assessed by the BDAR. • The BAM (2017) and the Stage 1 BAM Operational Manual does not provide any guidance on the level of detail required on the proposed development beyond the minimum requirements set out in Table 25 and Table 26 (Appendix 10) of the BAM.	**Recommendation 2:** **2a:** Review BAM (2017) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.	**Completed** • **Completed** – C&L Branch reviewed BAM 2020_final for gazettal and provided recommended changes/ inclusion to BOS Branch on 26 May 2020 to address preliminary audit findings. • **Completed** – BOS Branch coordinated review prior to finalising BAM 2020. BAM 2020 came into force on 22 October 2020. • **Completed** – BOS Branch ran Support Webinar on new BAM 2020 in October 2020 for AAs.

Table 5   2B – BAM (2017) and Operational Manual Stage 1

Finding	Recommendations	Status of recommendations
BAM Stage 1 – Species credit species habitat suitability and targeted survey • 63% of representative excluded predicted species sampled (19/31) were non-compliant (NC-Mi / NC-Ma) against the audit criteria with the BDAR not providing adequate justification for exclusion of predicted candidate species assessed. • 48% of excluded predicted species (15/31) should have been retained in the BAM-C and further assessment/targeted surveys conducted by the AA. • 46% of audited AAs (6/13) were non-compliant (NC-Mi) with providing the minimum information requirements relating to the confirmed candidate species targeted surveys being assessed by the BDAR. The BDARs did not link targeted surveys to specific confirmed candidate species or provide detailed targeted survey information required by the BAM. • 54% of audited AAs (7/13) were non-compliant (NC-Mi) with the minimum map requirements and did not provide specific figure(s) showing the mapped locations and summary table of GPS coordinates for all targeted surveys detailed in the BDAR. • 42% of audited AAs (5/13) were non-compliant (NC-Mi) as the BDAR did not provide a separate table with a consistent list of confirmed candidate species (with the BAM-C) identifying whether the species was recorded on site and how it was determined by the AA.	**Recommendation 2:** **2b:** Review BAM Operational Manual (Stage 1) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.	**Partially completed** • **Completed –** C&L Branch provided preliminary audit findings to BOS Branch to guide updates for BAM 2020 Operational Manual Stage 1. • **Completed –** BOS Branch published BAM Operational Manual Stage 1 on 21 December 2020. **Proposed actions** • **Action 2B1 –** C&L Branch to provide final list key topic areas for BAM Stage 1 Operational Manual to BOS Branch. • **Action 2B2 –** Gap review to be completed by BOS Branch once final list of key topic areas is provided by C&L Branch to identify need for any additional guidance updates required in the BAM Stage 1 Operational Manual.

Table 6   2C – BAM (2017) and Operational Manual Stage 2

Finding	Recommendations	Status of recommendations
BAM Stage 2 – Avoiding and minimising impacts on biodiversity values • 50% of audited HCC AAs (2/4) were partially compliant (PC) and demonstrated efforts to avoid and minimise direct impacts on biodiversity values in the BDAR. • 25% of audited HCC AAs (1/4) could not be determined (ND) as the site was part of an approved rezoning process under the former legislation. Efforts to avoid and minimise direct impacts on biodiversity values were not clearly demonstrated and the BDAR was reliant on the outcome of the rezoning planning proposal. • 46% of audited AAs (6/13) were allocated a minor non-compliance (NC-Mi) as the BDAR did include mitigation measures/actions but a summary table of measures with the required level of detail including the action, outcome, timing and responsibility was not provided in the BDAR. • 93% of audited AAs (12/13) were non- compliant (NC-Mi/NC-Ma) with the minimum map requirements as the lodged BDAR did not include the required figures including a map of the final project footprint (including any prescribed impacts, indirect impact zones and areas of biodiversity value of where impact has been avoided).	**Recommendation 2:** **2c:** Review BAM Operational Manual (Stage 2) to identify opportunities within the key areas identified for the provision of any new requirements, guidance and/or clarification within BAM.	**Commenced** • **Completed** – C&L Branch advised BOS Branch of preliminary audit findings in February 2021 to guide updates for BAM 2020 Stage 2 Operational Manual. **Proposed actions** • **Action 2C1** – C&L Branch to provide final list of key topic areas for BAM Stage 2 Operational Manual to BOS Branch. • **Action 2C2 –** Gap review to be completed by BOS Branch on draft BAM Stage 2 Operational Manual to identify whether any additional guidance is required.

Table 7   2D – Consistent BDARs

Finding	Recommendations	Status of recommendations
• As a general observation across the audits, BDAR templates created by AAs were varied in design and interpretation of the BAM minimum requirements (BAM 2017). • The audit found the BDAR templates that followed the same structure as the BAM were the easiest to read and generally provided the key data, table and map information required by the BAM. • The audit identified that the Department has not developed a standardised BDAR template for AA to implement the BAM (2017) and AAs are required to develop their own BDAR template.	**Recommendation 3:** Prepare a BDAR template to provide a consistent approach across AAs and assist reviewers (Determining authority and the Department). A BDAR template for streamlined assessments should also be prepared.	**Partially completed** • **Completed –** Input from C&L Branch representative provided into full BDAR template development and BOS Branch workshops. **Proposed actions** • **Action 2D1 –** full BDAR template externally contracted to finalise. Contract and publishing managed by BOS Branch. Publishing scheduled for the end of 2021. • **Action 2D2 –** BOS Branch to develop BDAR template for streamlined assessment modules once full BDAR template is finalised and published.

Table 8   2E – AA support material

Finding	Recommendations	Status of recommendations
• The audit identified based on AA feedback, 6 key areas for the development of targeted Biodiversity Offset Scheme/BAM factsheets and guidance material. • The highest priority supported by both councils and AAs was the development of a factsheet for DA applicants and planning consultants on the BC Act that can be used as a starting point for discussion and consistent approach for what is required.	**Recommendation 4** **4a:** Develop new guidance material for planning proposals and entry into the scheme for applicants and planning consultants. **4b:** Provide further BAM implementation guidance and clarification for 4 key areas identified for AAs.	**Commenced** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in February 2021. **Proposed actions** • **Action 1E1 –** C&L Branch to provide final list of AA support material topics to BOS Branch. • **Action 1E2 –** Gap review to be completed by BOS Branch once final list AA support material topics is provided by C&L Branch to identify need for any additional guidance material required.

Table 9   2F – Species data and information in the TBDC

Finding	Recommendations	Status of recommendations
• There were 2 candidate species identified to have limited survey guidance or guidance that required clarification to assist AAs for planning targeted surveys. • The audit identified that a consistent approach should be applied to providing reference to relevant BAM survey guidelines applicable to species credit species in the TBDC.	**Recommendation 5:** **5a:** Updates for guidance on survey requirements were identified for 2 specific species. **5b:** The TBDC species credit profiles should reference any relevant BAM fauna survey guidelines developed such as NSW Survey Guide for threatened frogs for Green and Golden Bell Frogs.	**Commenced** • **Completed –** C&L Branch initiated updates to 2 Candidate threatened species profiles based on HCC audit findings in April 2020. • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in February 2021. **Proposed actions** • **Action 2F1 –** BOS Branch to update fauna species profiles with reference to relevant survey guidelines.

Table 10   2G – BioNet and Atlas data – use by AAs

Finding	Recommendations	Status of recommendations
• The audit identified based on a general observation across the representative sample of BDARs that not all BDARs clearly referenced the BioNet Atlas records for predicted candidate species. • The BDAR does not identify whether AAs are using public access/registered user access or are a BioNet licensed user when accessing BioNet data records.	**Recommendation 6:** Review minimum user requirements for AAs accessing species data from BioNet and provide user guide for AAs.	**Commenced** • **Completed –** C&L Branch discussed the preliminary audit finding with BOS Branch in August 2021. **Proposed actions** • **Action 2G1 –** C&L Branch to provide final audit finding and recommendation for *2G BioNet and Atlas data – use by AAs* to BOS Branch. C&L Branch to discuss appropriate action and allocation to relevant team with BOS Branch. New actions will be added as required.

10.3 Systems and processes

Table 11   3A – Currency of BDAR

Finding	Recommendations	Status of recommendations
• 85% of audited AAs (11/13) were non- compliant (NC-Mi) with their requirements for BDAR certification and currency specified under the BC Act and did not submit a valid lodged BDAR to council in accordance with the BC Act. • The audit found that the requirement to finalise the BAM-C prior to submitting the BDAR was not initially clearly understood by the audited AAs.	**Recommendation 7:** **7a:** Educate AAs on requirements for certifying a valid BDAR. **7b:** Include BOAMS training in new and reaccreditation assessors training to standardise how accredited assessors use BOAMS/BAM-C.	**Completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in June 2020. • **Completed –** BOS Branch released guidance in AA January 2021 update on Section 6.15 BC Act – Currency of BDAR. • **Completed –** BOS Branch has included in updated AA and new reaccreditation training a BOAMS case example. • **Completed –** BOS Branch has rolled out updated AA training (eLearning) in December 2020 and reaccreditation training in May 2021.

Table 12   3B – BOAMS / BAM-C management

Finding	Recommendations	Status of recommendations
• The audit identified based on a general observation across the representative sample of BDARs that there was an inconsistent set up and close out of BOAMS cases by audited AAs. • Participating council feedback identified as a general audit observation that councils are not receiving the complete BDAR package (including GIS files and field sheets) as part of the DA and are requiring to follow up missing information from the AAs.	**Recommendation 8:** **8a:** Training for existing and new AA should include a BOAMs case study that clearly demonstrates the establishment of the parent case, set up of a child case and BAM-C, finalising/submitting case and close out of a BOAMS parent case. **8b:** Update to BOAMS user guide – Detailed step by step guidance is required for consistent set up, management and close out of both parent and child cases and finalising the BAM-C. **Recommendation 9:** Provide guidance on what BDAR documentation should be provided to the consent authority and saved in BOAMS including reasons why this is important to AAs.	**Partially completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January and February 2021. • **Completed Recommendation 8a –** BOS Branch has included a BOAMS case study into both the updated AA and reaccreditation training. **Proposed actions** • **Action 3B1 –** BOS Branch to review and update BOAMS user guide. In BOS Branch future work plan to update this guide. • **Action 3B2 –** BOS Branch has engaged a contractor which has commenced updates to BAM-C user guide. The update to the BOAMS guide is an allocated task in the BOS Branch future work plan. • **Action 3B3 –** BOS Branch have made changes to improve security of the systems which has led to GIS shapefiles being unable to be attached to case files in BOAMS. BOS Branch is working with BIS to resolve this issue and enable files to be attached to BOAMS as required. • **Action 3B4 –** C&L Branch to provide final audit finding and recommendation for *3B BOAMS/BAM –C management* to BOS Branch.

Table 13   3C– BDAR Biodiversity Offset Scheme Entry

Finding	Recommendations	Status of recommendations
• 23% of audited BDARs (3/13) did not provide the legislative reason under the BC Act to why the proposal entered the scheme and a BDAR is required. • The BAM (2017) does not currently have a minimum requirement in the BDAR to include the legislative reason that the proposal entered the scheme and requires the preparation of a BDAR.	**Recommendation 10:** **10a:** Addition of scheme entry into the BAM-C to track the reason why a BDAR has been triggered into the scheme. **10b:** Include requirement in BAM 2020 update to provide a section in the BDAR that includes the scheme entry and any required attachments in the BDAR Appendix (such as BMAT report or Test of Significance).	**Completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in May 2020. • **Completed –** BOS Branch made enhancements to the BAM-C reporting functions to include the scheme entry as a requirement for AAs to complete in Tab 1. Assessment details. • **Completed –** Refer to 2A for steps. BAM 2020 came into force on 22 October 2020.

Table 14   3D – Accreditation Conditions (Code of Conduct – BOAMS QA)

Finding	Recommendations	Status of recommendations
• Audited AAs were saving over the BAM-C cases instead of creating a new version of the case for any updates to lodged BDARs. • Lack of version control provides no record for future reference for the AA to have evidence of BAM-C data lodged with the BDAR. • All audited AAs agreed that a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs and would be beneficial for to standardise the use of both BOAMS/BAM-C by AAs.	**Recommendation 11:** To standardise how accredited assessors use the BOAMS/BAM-C, it is recommended that BOAMS training including a case study from set up to finalisation is included in updated and new reaccreditation assessors training.	**Completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January 2021 • **Completed –** Input from C&L Branch representative provided into BOS Branch AA training and reaccreditation workshops. • **Completed –** BOS Branch has included content on record keeping requirements into both the updated AA and reaccreditation training. • **Completed –** BOS Branch has included in the updated BAM Operational Manual Stage 1 Appendices, a sample field data sheet for AAs. • **Completed –** BOS Branch have considered the need for example targeted field survey templates for both threatened flora and fauna surveys during development and review of BAM survey guides.

Table 15   3E – Confirmed Candidate Species – Targeted Surveys (BAM-C exported report)

Finding	Recommendations	Status of recommendations
- The BAM-C exported BAM Candidate Species Report was generally not attached to the BDAR as evidence of the predicted candidate species list assessed by the AA in the BDAR. - The month(s) surveyed by the AA for targeted surveys conducted for each candidate species was not shown on the BAM-C exported BAM Candidate Species Report, only the recommended survey period for the confirmed candidate species. - Targeted survey details entered by AA into BAM-C are unable to be checked by Government (State / Local) reviewers that do not have access to BOAMS.	**Recommendation 12:** The format of Candidate Species Report exported from BAM-C should be updated to show the months surveyed by AA for each candidate species credit species.	**Completed** **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in February 2021. **Completed** – BOS Branch made enhancements to the BAM-C reporting functions.

10.4 Accredited assessor support

Table 16   4A – AA Training (Accreditation and Reaccreditation training)

Finding	Recommendations	Status of recommendations
- AA training received from 2017–20 was varied and not consistent across the delivery of the training depending on when the AA attended the course. - A consolidated package of refresher training was not provided for AAs on areas of the BAM that were missed in their training course due to timing to fill gaps. - Audited AAs identified refresher training would be beneficial for a consistent application of the BAM and standardise use of both BOAMS/BAM-C. - All audited AAs identified a BOAMS case study with step to step guidance from start to finish would be well received for both new and existing AAs.	**Recommendation 13:** **13a:** Review the accredited assessor 5-day course content and include training improvements for new AAs in the key areas identified for new accreditation training. **13b:** Review the accredited assessor 5-day course content and include training improvements for existing AAs in the key areas identified for reaccreditation training.	**Completed** **Accreditation training** **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in June 2020. **Completed –** Input from C&L Branch representative provided into BOS Branch AA training workshops. **Completed –** BOS Branch rolled out the full updated AA training in March 2021. This included eLearning modules and improved presenter notes to ensure consistent explanations. **Reaccreditation training** **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January 2021. **Completed –** Input from C&L Branch representative provided into BOS Branch reaccreditation AA workshops. **Completed –** BOS Branch rolled out the reaccreditation training in May 2021.

Table 17   4B – Accreditation Conditions (Code of Conduct - Quality Assurance)

Finding	Recommendations	Status of recommendations
• 85% of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for quality assurance (QA). • Levels of QA varied depending on the size of the company and number of AAs on staff. Larger companies had established documented systems with allocated AAs on projects while smaller companies had processes in place but not formally documented. • Audited AA sole traders rarely had peer reviews completed of their own work and often relied on the outcomes of reviews from Government (state or local) to identify areas for improvement.	**Recommendation 14:** Develop a consistent approach for quality assurance for AA to meet their obligations under the Code of Conduct and their accreditation conditions.	**Commenced** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January 2021. **Proposed actions** • **Action 4B1 –** C&L Branch to provide final audit finding and recommendation for *4B Code of Conduct – AA Quality Assurance* to BOS Branch.

Table 18   4C – Accreditation Conditions (Code of Conduct – COIs)

Finding	Recommendations	Status of recommendations
• 85% of interviewed AAs (11/13) were partially compliant (PC) with their requirements under the Code of Conduct and did not have a formal documented process in place for COIs. • Larger companies had established documented systems with allocated AAs on projects while smaller companies had processes in place but not formally documented. • While assessors have been trained on COIs as part of their accreditation training, in practice there were different interpretations of what COIs are and how the AA manages this aspect of the Code.	**Recommendation 15:** **15a:** Review the current COI wording within the Code to be consistent with other Department policies on COI (e.g. must declare and manage any identified COIs rather than 'must not act'). **15b:** Development of clear Departmental guidance for identifying, managing, and declaring COIs. **15c:** Prepare a standardised format for declaring any identified COIs in the BDAR template.	**Partially completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January 2021**.** • **Completed –** BOS Branch updated website page 'Accredited assessor quality assurance and feedback' with additional information on COIs. • **Completed –** Input from C&L Branch representative provided into BDAR template development and BOS Branch workshops. • **Completed –** BOS Branch has included improved content on COIs into both the updated AA and reaccreditation training. • **Completed –** BOS Branch has included in full draft BDAR template consistent wording for COIs being conveyed in assessor training content. See **Action 2D1** for finalising details. **Proposed actions** • **Action 4C1 –** BOS Branch to review current COI wording within the Code of Conduct.

Table 19   4D – Accreditation Conditions – Record Keeping

Finding	Recommendations	Status of recommendations
• 75% of audited HCC AAs (3/4) were non-compliant (NC-Mi) as relevant records were not provided in a legible form clearly associated with the targeted threatened species field surveys (including field data sheets) completed as part of the BDAR. • Based on the BDAR records received from the audited HCC AAs, clear guidance on what records they should be keeping, and the format is required to provide a consistent approach for record keeping in accordance with Conditions 3 and 4 of the Accreditation Certificate.	**Recommendation 16:** **16a:** Guidance on what records should be kept and appropriate format (e.g. targeted survey field sheets, BAM survey plots, GPS survey locations, GIS files, field survey records) **16b:** Targeted field survey templates could be incorporated in the relevant flora and fauna survey guidelines as an example.	**Partially completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January 2021. • **Completed –** Input from C&L Branch representative provided into BOS Branch AA training and reaccreditation workshops. • **Completed –** BOS Branch has included content on record keeping requirements into both the updated AA and reaccreditation training. • **Completed –** BOS Branch has included in the updated BAM Operational Manual Stage 1 Appendices, a sample field data sheet for AAs. • **Completed –** BOS Branch have considered the need for example targeted field survey templates for both threatened flora and fauna surveys during development and review of BAM survey guides. **Proposed actions** • **Action 4D1 –** C&L Branch to provide final audit finding and recommendations for *4D Accreditation Conditions – Record Keeping* to BOS Branch.

10.5 Complaint and feedback management

Table 20   5A – Complaints and feedback management framework

Finding	Recommendations	Status of recommendations
• The audit identified a gap and need for a complaint resolution framework for Biodiversity Offset Scheme disputes between council as the determining authority and the AA. • The way feedback (positive or negative) is reported to BOS Branch on AAs behaviour or quality of work is not standardised or currently formalised into a department policy.	**Recommendation 17:** Development and implementation of a complaint and feedback management framework where scheme complaints can be made and resolved between disputed parties. **Recommendation 18:** Development and implementation of a Complaints and Feedback Management Policy by the BOS Branch.	**Partially completed** • **Completed –** Input from C&L Branch representative provided into development of policy and framework. • **Completed Recommendation 18 -**BOS Branch published the Complaints and feedback Management Policy on the Biodiversity Offset Scheme webpage 'Accredited assessor quality assurance and feedback'. • **Completed –** C&L Branch discussed need for Complaint resolution support framework with BOS Branch. **Proposed actions** • **Action 5A1 –** C&L Branch to provide final audit finding and recommendation for 5B Complaint resolution support framework for disputes between Determining Authority and the AA to BOS Branch. C&L Branch to discuss appropriate action and allocation to relevant team with BOS Branch. New actions will be added as required.

10.6 Local Government Support

Table 21   6A – Local Government Support (In person)

Finding	Recommendations	Status of recommendations
• All participating councils (15) identified it would be beneficial if they had a consistent contact within the Department Biodiversity and Conservation Division (BCD) Regional Planning teams that could assist them resolving more complicated issues under the Biodiversity Offset Scheme.	**Recommendation 19:** BOS Branch to investigate opportunities for LG Support and connect councils with their relevant BCD Regional Planning team.	**Partially completed** • **Completed –** C&L Branch discussed councils feedback with BOS Branch in February 2021. • **Completed –** BOS Branch have provided key BCD Regional Planning team contacts to council on the website 'Local government and other decision maker support' and as part of LG Induction Manual. **Proposed actions** • **Action 6A1 –** BOS Branch has engaged an external consultant to develop LG Induction Manual as part of LG support package. Refer to Action 5C1 for publishing details. • **Action 6A2 –** BOS Branch is working closely with Target Local Government Areas (LGAs) and regions to improve engagement and support. For example - BOS Branch has coordinated a workshop with NW Region and Warrumbungle LGA.

Table 22   6B – Local Government Biodiversity Offset Scheme training

Finding	Recommendations	Status of recommendations
• Feedback from participating councils identified that refresher training would be beneficial, particularly any updates to the LG training already received (such as LG Approvers course, AA 5-day course and LG Support Officer training).	**Recommendation 20:** Identify opportunities to utilise material developed for AA new/recertification training (elearning modules) for other Biodiversity Offset Scheme stakeholders	**Partially completed** • **Completed –** C&L Branch advised BOS Branch of preliminary audit findings in January/February 2021. • **Completed –** BOS Branch has identified opportunities to utilise assessor training material and adapt as necessary for LG training. • **Completed –** Input from C&L Branch representative being provided into training workshops. **Proposed actions** • **Action 6B1 –** BOS Branch has engaged an external consultant to develop elearning and training for LG including 2 workshop topics. Elearning and training workshops for LG in progress.

Table 23   6C – Local Government Guidance support and material

Finding	Recommendations	Status of recommendations
• Feedback from participating councils identified the need for ongoing support and guidance on the Biodiversity Offset Scheme. • Participating councils identified that they had previously utilised the LG Regional Support Officer allocated to their region and benefited from the LG support at a regional level with regular newsletters, development of support material and a help desk to navigate council issues on the scheme.	**Recommendation 21:** Re-establish LG Guidance support on the scheme for councils across the state. 5 key items were identified for development of materials on the scheme.	**Partially completed** • **Completed –** BOS Branch commenced LG Updates in April 2020. • **Completed –** BOS Branch commenced Support Webinars for LG in May 2020. • **Completed –** C&L Branch representative involved in working group to amend LG flow chart and finalise checklist. • **Completed –** BOS Branch updated and published flow charts on the website 'Local government and other decision maker support'. • **Completed –** BOS Branch reviewed and updated flow charts end June 2021 to ensure weblinks are current and functional. Updated flow charts published in August 2021. **Proposed actions** • **Action 6C1 –** LG BOS resources (Checklist and LG Induction Manual) externally contracted. Contract managed by BOS Branch. Publishing scheduled for late 2021. • **Action 6C2 –** C&L Branch to provide final audit finding & recommendation to BOS Branch to identify any additional resources required.

Appendix 1. Background on the Biodiversity Offset Scheme

Biodiversity Offset Scheme (the scheme)

The Biodiversity Offsets Scheme (the scheme) is the framework for offsetting unavoidable impacts on biodiversity from development with biodiversity gains through landholder stewardship agreements.

The scheme was established under the *Biodiversity Conservation Act 2016* (BC Act). Under the scheme, applications for development or clearing approvals must set out how impacts on biodiversity will be avoided and minimised. The remaining residual impacts can be offset by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund (BCF).

When does the scheme apply?

Entry to the scheme by developments, projects and activities that meet certain thresholds for significant impacts on biodiversity, or on an opt-in basis.

The scheme applies to:

- local development assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that enters the scheme threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the BC Act
- state significant development (SSD) and state significant infrastructure (SSI) projects, unless the Secretary of the department and the environment agency head (EAH) determine that the project is not likely to have a significant impact
- biodiversity certification proposals
- clearing of native vegetation in urban areas and areas zoned for environmental conservation that exceeds the scheme threshold and does not require development consent
- clearing of native vegetation that requires approval by the Native Vegetation Panel (NVP) under the *Local Land Services Act 2013* (LLS Act).

Biodiversity Offset Scheme Entry for Part 4 local development

Local development (DAs) assessed under Part 4 of the EP&A Act enter the scheme by the following:

1. the threshold test (set out by the Biodiversity Conservation Regulation 2017)
   a. whether the amount of native vegetation being cleared exceeds an area threshold
   b. whether the impacts occur on an area mapped on the Biodiversity Values Map (BV Map) published by the Environment Agency Head
2. is likely to significantly affect threatened species based on the test of significance in Section 7.3 of BC Act.

When the scheme applies to your proposal an accredited assessor must be engaged to apply the Biodiversity Assessment Method (BAM) to assess the impacts of a proposal on biodiversity.

Accredited persons under the BC Act

Under the BC Act, assessors must be accredited to apply the BAM. The accreditation scheme is designed to ensure that the BAM is applied by people with appropriate ecological skills, knowledge and experience, and a demonstrated understanding of the method.

Biodiversity Assessment Method (BAM 2017)

The Biodiversity Assessment Method Order 2017 (BAM 2017) outlines how an accredited person assesses impacts on biodiversity at development sites and stewardship sites. The BC Act also provides specific requirements for BDAR certification and currency (s6.15 BC Act) and specific details on BDAR content relating to the BDAR team and certifying AA (s6.8 BC Act).

The BAM must be applied by an accredited assessor and provides minimum data, table and map requirements specified in Tables 25 (Stage 1) and 26 (Stage 2) in Appendix 10 of the BAM. The BAM is also supported by 2 BAM Operational Manuals for implementation guidance for Stage 1 (Biodiversity Assessment) and Stage 2 (Impact Assessment) of the BAM.

The BAM is applied to all development or clearing applications that enter the scheme as well as sites where a landholder proposes to enter a Biodiversity Stewardship Agreement (BSA). The assessor documents the results of the biodiversity assessment in a Biodiversity Assessment Report (BAR). A proponent must provide a BAR to the decision maker as part of their development, clearing activity or biodiversity certification or to the Biodiversity Conservation Trust (BCT) for a stewardship site application. The decision maker will use the information in the BAR to decide on whether to approve the development or BSA application.

BAM Operational Manual

The BAM Operational Manual (Stage 1 and 2) provides operational guidance to assist applicants and accredited assessors in the application of the BAM.

Stage 1: Biodiversity assessment identifies the types of biodiversity values on land and focuses on the assessment of the landscape context, the vegetation integrity (VI) of native vegetation, and habitat suitability for threatened species.

Stage 2: Impact assessment (biodiversity values) applies the avoid, minimise and offset hierarchy and assesses direct, indirect and prescribed biodiversity impacts associated with proposed activities. This stage also provides for the application of the no net loss standard through the calculation of the offset requirements for impacts on the biodiversity values at a development site and the establishment of the credit class and offset trading group for ecosystem credits and species credits.

The operational manual is a companion document to the BAM. In general, the Manual does not seek to repeat text in the BAM and therefore the 2 documents should be read together. Any updates to administrative structures, position titles and data sources since the BAM was last gazetted may also be reflected in the operational manual.

BOAMS and BAM-C calculator

The Biodiversity Offsets and Agreements Management System (BOAMS) is used by AAs to undertake BAM-related tasks, including access to the BAM credit (BAM-C) calculator to perform BDAR assessments, submit data, generate a credit obligation and a credit price.

BioNet Threatened Biodiversity Data Collection

The BioNet Threatened Biodiversity Data Collection (TBDC) is identified in the BAM Operational Manual (Stage 1) as a key online resource for AAs.

The TBDC is a portal for accessing government-held information about plants and animals in New South Wales. It is maintained by the department and provides a detailed profile on each threatened species and ecological community in New South Wales, including the entity's habitat, range, key threats, and data required to operate the BAM (e.g. appropriate time to survey, unit of measure, etc.).

The TBDC houses the information and data used in the BAM-C, including the biodiversity credit class of a species and contains information for listed threatened species, populations and ecological communities such as survey requirements and habitat constraints that can guide identification of species polygons.

The TBDC is updated regularly to include the best available information and to add new listings under the BC Act. The BDAR must reflect any changes in data made up to the date it is finalised.

BioNet Atlas

The BioNet Atlas is identified in the BAM Operational Manual (Stage 1) as a key online resource for AAs. The BioNet Atlas is a publicly accessible online database that contains biodiversity observation data for New South Wales including threatened species sightings.

There are 3 different user access profiles for the BioNet Atlas including public basic access, registered user access and licensed user. The user access profile used to access the BioNet Atlas influences what records and information is available from the BioNet database.

Detailed sensitive threatened species location information can only be viewed by those licensed users of the database. Records accessed by public access / registered users to BioNet will review sensitive species coordinates that have been 'denatured', where the 'as-held' coordinates have been rounded (for example, to 1km or 10km) in order to generalise the spatial locality of this species.

Appendix 2. AA Certificate of Accreditation

NSW GOVERNMENT | Planning, Industry & Environment

CERTIFICATE OF ACCREDITATION AS A BIODIVERSITY ASSESSMENT METHOD ASSESSOR under the *Biodiversity Conservation Act 2016* (NSW)

BAM Assessor		
Accreditation number	Accreditation date (Date of issue)	Expiry Date of

The person named above is accredited under section 6.10 of the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**) as a Biodiversity Assessment Method Assessor to apply the Biodiversity Assessment Method in connection with the preparation of biodiversity stewardship site assessment reports, biodiversity development assessment reports and biodiversity certification assessment reports pursuant to Part 6 of the BC Act.

The accreditation is in force until and including the Expiry Date. The accreditation is subject to the conditions set out in the *Accreditation Scheme for the Application of the Biodiversity Assessment Method*, under the BC Act, and the conditions specified on the reverse of this certificate.

LUCIAN MCELWAIN

Manager Ecosytem Programs
Department of Planning, Industry & Environment

NOTES

- DPIE maintains a register of Accredited Biodiversity Assessment Method (BAM) Assessors accessible from the DPIE website.
- The BAM Assessor's accreditation expires on the Expiry Date unless renewed in accordance with the *Accreditation Scheme for the Application of the Biodiversity Assessment Method*. It is the BAM Assessor's responsibility to monitor the Expiry Date of their accreditation and apply for any renewal with sufficient time for the application to be processed prior to the Expiry Date.
- Words and expressions used in this accreditation instrument and which are also used in the Act have the same meaning.

SUMMARY OF CONDITIONS UNDER SCHEME

The following are conditions of all accreditations granted under the Scheme:

1. an accredited person must prepare Biodiversity Assessment Reports (and conduct surveys and other activities in connection with the preparation of such reports) in accordance with:
   a. the Biodiversity Assessment Method Manual,
   b. the Credit Calculator Operational Manual,
   c. Accredited Person Code of Conduct.
   d. this Scheme,
   e. any guidance materials published by the Department of Planning, Industry and Environment in connection with preparation of Biodiversity Assessment Reports or the application of the BAM
   f. any accreditation requirements notified by the Department of Planning, Industry and Environment to the accredited assessor from time to time.
2. an accredited person must maintain a detailed and up to date working knowledge of, and comply with, all relevant legislation.
3. an accredited person must maintain records of surveys and assessments, including field data sheets and targeted flora and fauna surveys, undertaken and used as part of the preparation of a Biodiversity Assessment Report, for at least ten years after certification of the relevant Biodiversity Assessment Report.
4. all records required kept by an accredited person must be in legible form, or in a form that can be readily be reduced to a legible form.
5. an accredited person must provide to the Department of Planning, Industry and Environment any information related to biodiversity assessment reports required to be provided by all accredited persons, or by a group of accredited persons, by way of a notice specified on a website maintained by it, in the form and within the time frames required in that notice.
6. an accredited person must comply with any scientific licence conditions relating to survey records.
7. an accredited person must possess, or operate under, an appropriate scientific licence as required for the type work, they are completing in the Biodiversity Offsets Scheme.

Note. Information that the Environment Agency Head (EAH) may require to be provided may include information collected during the application of the BAM such as site specific survey data.

Note. In addition to the conditions above, accredited persons must comply with obligations under the BC Act and regulations, including Part 6 Division 3 of the BC Act. Failure to comply with any of the conditions above may result in the EAH exercising the power to vary, suspend or cancel that accreditation under Part 5 of this Scheme.

Certificate of Accreditation for FIRST AND LASTNAME (BAM Assessor Number) as a Biodiversity Assessment Method Assessor under the *Biodiversity Conservation Act 2016*

Issued by the Department of Planning, Industry & Environment
4 Parramatta Square,12 Darcy Street | Locked Bag 5022, Parramatta NSW 2124
Email: info@environment.nsw.gov.au   Website: www.dpie.nsw.gov.au

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Appendix 3. AA Code of Conduct

Accredited BAM ASSESSOR Code of Conduct

Accredited persons are accredited by the Environmental Agency Head (EAH) to apply the Biodiversity Assessment Method (BAM) when preparing biodiversity assessment reports, as required under the *Biodiversity Conservation Act 2016* (the Act).

The EAH may carry out or cause to be carried out an audit of compliance by an accredited person with the Accredited Person Code of Conduct. Non-compliance with the Accredited Person Code of Conduct may result in the EAH exercising the power to vary, suspend or cancel the accreditation under Part 5 of the Accreditation Scheme (Section 6.10 of the Act).

Obligations for Accredited Persons are outlined below.

- must comply with conditions of their accreditation
- must notify the department in writing of any changed circumstances effecting the fit and proper declaration submitted with an accreditation application
- must maintain high standards of professional conduct when providing independent, consistent and objective advice on the basis of adequate knowledge
- must provide a truthful opinion on any matter submitted to them for advice or opinion and must not give false or misleading information or statements and must not conceal or omit information on any relevant conservation, market, environmental or scientific matter
- must not state a fact to support a client that will not be capable of support by available data
- must convey accurately to the client formal qualifications, expertise and experience and must not misled or omit information
- must operate within the fields of their competence and engage with additional and appropriate expertise when required
- must ensure that staff and or contractors completing tasks under their directive are operating within their competencies
- must be personally accountable for the validity of all data collected, analyses performed, or reports developed by them and for the scrutiny of all data collected, analyses performed, or reports developed under their direction
- must ensure thorough quality control measures are in place to confirm the correctness and validity of all work prepared by them or by staff or contractors under their direction
- must not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias
- Must not advertise or conduct themselves in a manner that will bring disrepute to the Biodiversity Offset Scheme or the Minister
- must not act in circumstances where there is actual, perceived or potential conflict of interest
- must cooperate with and provide the necessary and requested information to the EAH during an audit or when otherwise requested
- must maintain ecological or equivalent fieldwork skills and maintain a truthful written record of continuing professional development during the period of accreditation.

Appendix 4. Quality and assurance framework

Audits are one of the tools used to ensure assessment quality

This audit is one of a range of measures under the Biodiversity Offsets Scheme that provide an overall framework to manage quality and assurance of assessments undertaken by Accredited Assessors (AA).

The range of measures within this framework are provided in Figure A4.1.

Figure A4.34   Quality and assurance framework for AAs

Measures to ensure quality and assurance on work undertaken by Accredited Assessors:

1. Requirements of accreditation

All accredited assessors are responsible for the quality of any work that is certified under their name. This is part of the training that all accredited assessors are required to undertake in seeking accreditation.

This is governed by accreditation training and accreditation criteria, a code of conduct set by Environment, Energy and Science (EES), a fit and proper person test set by EES, the Biodiversity Assessment Method (BAM) published by the Minister, and conflict of interest disclosures.

2. Government review and decision-making

Assessments undertaken by AAs are reviewed before those reports are used in government decision-making. This includes councils reviewing the assessments for development applications (DAs) determined by councils, the department for development applications determined by the Minister for Planning and BCT for stewardship agreements.

As part of doing this, these agencies review the content of the assessment report, and seek clarification or changes before making a determination on the proposal. This is for both development and stewardship agreement sites.

3. Assessor complaints and feedback

There is a complaints policy and process in place for AAs. Usually, complaints about the work or behaviour of AA.

The department manages the complaints using the *Accredited Assessor Complaints and Feedback Policy (September 2020).* The accreditation team manages these complaints. The department has the power to reasonable request any information from an assessor. Actions can include reminder letters, warning letters, retraining, imposing conditions on accreditation, suspension, and de-accreditation.

4. Accredited Assessor audits

An audit involves detailed review of data and accredited assessor reports. This can either be undertaken as part of investigation of a complaint or as part of a broader audit of AAs, for example, targeting specific issues or types of assessment or auditors.

Audits are undertaken by a separate audit team that also works closely with relevant government agencies and the BOS Branch, and has the power to request any reasonable information from an assessor. Systemic audit findings are used to improve the scheme. Action can be taken against AA as above.

5. Compliance investigation into breaches of BC Act

When a complainant alleges false or misleading information has been provided by an assessor, or other potential breaches of the BC Act have occurred, a formal compliance investigation may be initiated.

The separate compliance team has access to all necessary information. Such an investigation may result in actions against AA, including penalty infringement notices or other legal action.

Appendix 5. LG BDAR data request

Table A5.1 – Summary of council response to BDAR data request

Region	Hunter Central Coast (HCC)	South West (SW)	North West (NW)	Greater Sydney (GS)	South East (SE)	North East (NE)	Total
Data collection period	3/2/20 to 4/3/20	29/6/20 to 30/7/20	28/7/20 to 9/9/20	3/8/20 to 10/9/20	3/8/20 to 2/9/20	3/8/20 to 31/8/20	**3/2/20 to 10/9/20**
No. of councils	11	23	30	33	13	18	**128**
Responses received	11	18	25	26	9	12	**101**
No. of councils did not respond	0	5	5	7	4	6	**27**
% of council response	**100%**	**78%**	**83%**	**79%**	**69%**	**67%**	**79%**

Table A5.2 – Summary of responded council BDAR data (101 responses received)

Region	HCC	SW	NW	GS	SE	NE	Total
Responses received	11	18	25	26	9	12	**101**
No. of councils have not received BDARS to date	1	13	17	8	1	5	**45**
No. of councils who have received BDARS to date	10	5	8	18	8	7	**56**
% of councils in region who have received BDARs	91%	28%	32%	69%	89%	58%	**55%**
No. of BDARs received by councils	47	6	18	93	54	31	**249**
% of BDARs in each region	19%	2%	7%	37%	22%	12%	**100%**
Determined BDARs							
No. of councils with determined BDARs	6	4	6	11	7	6	**40**
No. of determined BDARs	11	5	11	46	22	15	**110**
Lodged but not yet determined BDARs							
No. of councils with lodged but not yet determined BDARs	9	1	5	13	7	5	**40**
No. of lodged but not yet determined BDARs	36	1	7	47	32	16	**139**

Appendix 6. Technical assessment of Stage 1 BAM

As part of the audit of BAM Order 2017 requirements, a series of representative samples were undertaken for each audit to assess the technical application of Stage 1 BAM – habitat suitability of predicted candidate species credit species. A technical assessment of the lodged BDAR was undertaken based on the BAM-C exported BAM Candidate Species Report for each BDAR and against audit criteria set in accordance with the BAM minimum requirements detailed in both BAM (2017) and BAM Operational Manual Stage 1.

The assessment included 3 key areas:

- **Methods review** – assessed whether adequate exclusion justification was provided in the BDAR and if a targeted survey was required
- **Targeted survey review** – assessed whether adequate targeted survey information was provided in the BDAR including details of the methods, effort, timing, weather, and location
- **QA review** – assessed the consistency between the BDAR and BAM-C and whether surveys were conducted within the recommended survey timing identified in the BAM-C.

Across the audits, a total of 420 candidate species credit species were predicted by the BAM-C (refer to Tables A6.1 (flora) and A6.3 (fauna)). This represented 157 flora and 263 fauna threatened species identified as species credit species.

A total of 53 representative samples were conducted (17 flora and 36 fauna) with greater than 10% sampled across the state including 11% of flora and 14% of fauna predicted species credit species included (refer to Tables A5.1 (flora) and A5.3 (fauna)).

There were 26 initial representative samples conducted for the HCC region which represented a combination of excluded predicted candidate species, confirmed candidate species requiring a targeted survey and assumed present species. Each audit had between 6-8 representative sample depending on the number of predicted candidate species generated by the BAM-C. Through the analysis of these representative sample results, clear trends were identified associated with inadequate exclusion justification particularly when habitat constraints for candidate species were present on site.

The audit method was refined for the remaining region audits to focus on gathering additional evidence for excluded predicted candidate species (both flora and fauna) and targeted fauna surveys. Each audit had 3 representative samples targeting generally 1 flora and fauna predicted excluded candidate species plus 1 confirmed candidate fauna species targeted survey.

The representative samples included a combination of predicted candidate species that were excluded predicted candidate species, confirmed candidate species requiring a targeted survey and assumed present species (refer to Tables A6.2 (flora) and A6.4 (fauna)). There were no expert reports used as a method of determining presence for any of representative sample of BDARs.

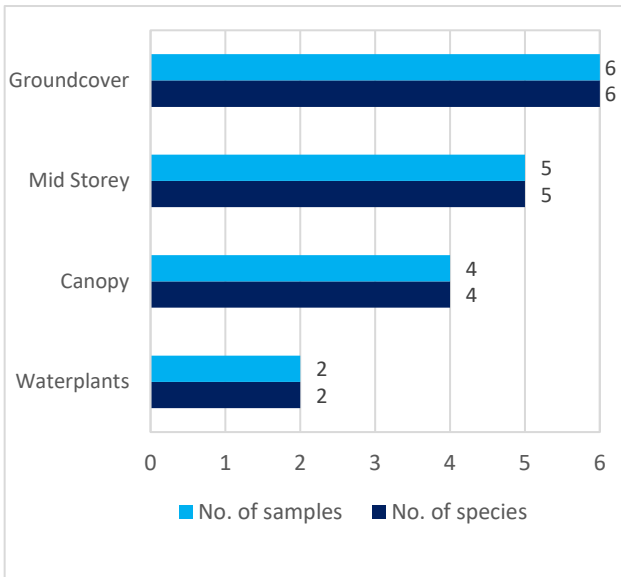**Representative samples**

Samples were randomly selected for each audit across the range of flora strata and faunal groups within the BAM-C exported BAM Candidate Species Report. Flora and faunal groups were classified into the following categories:

- flora strata – water plant, canopy, mid-storey, and groundcover
- fauna groups – amphibians, mammals, invertebrates, reptiles, and birds.

Figure A6.1 shows the representative number of flora samples and species conducted across the 13 audits for the different flora strata. Figure A6.2 provides a breakdown of the number of flora samples that were excluded predicted species and confirmed candidate species requiring targeted surveys.

Figure A6.1 Representative sample numbers and species for flora strata groups
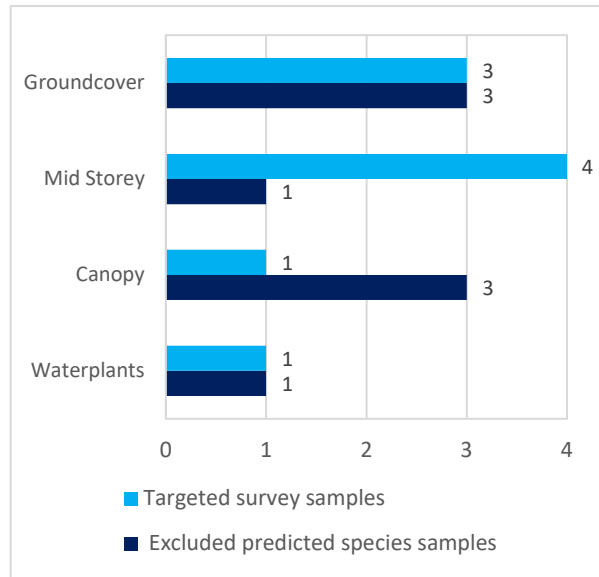
Figure A6.2 Representative flora sample no. for targeted survey and excluded predicted species

Figure A6.3 shows the representative number of fauna samples and species conducted across the 13 audits for the different faunal groups. Figure A6.4 provides a breakdown of the number of fauna samples that were excluded predicted species and confirmed candidate species requiring targeted surveys.
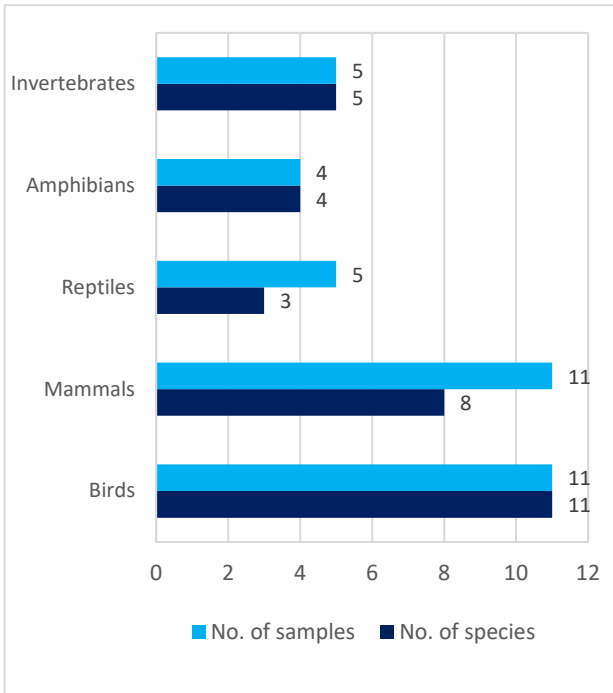

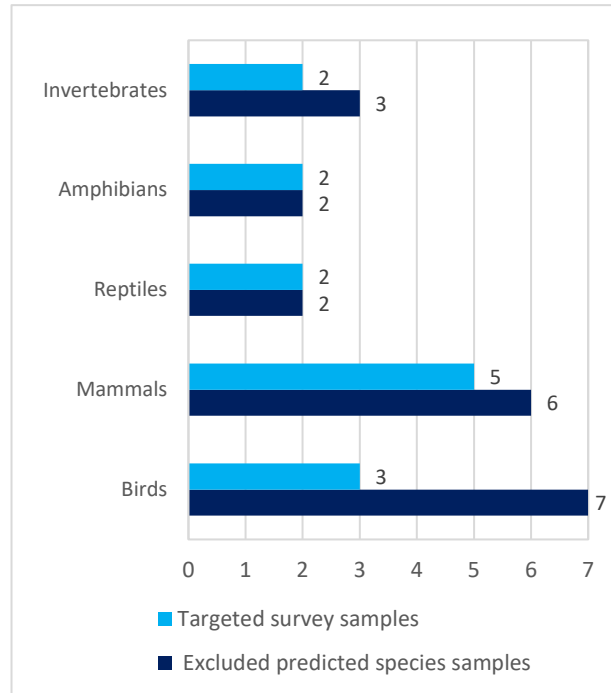**Figure A6.3 Representative sample numbers and species for faunal groups**

Figure A6.4 Representative fauna sample no. for targeted survey and excluded predicted species

Table A6.1 – Summary of flora representative sample data

Audit	Total no. of predicted candidate species	FLORA						Representative sample	
		No. of predicted candidate species	No. excluded from survey in BAM-C	No. recorded on site	No. assumed present on site	No. of species absent on site (not recorded)	No. reviewed as representative sample	% predicted candidate species
HCC 1	43	11	1	0	0	11	1	10%
HCC 2	51	20	2	2	0	18	3	10%+1 species
HCC 3	34	11	9	0	0	11	3	10%+2 species
HCC 4	26	6	2	0	3	3	3	10%+2 species
SW 1	5	1	0	0	1	0	0	No excluded species
NW 1	14	2	0	0	2	0	0	No excluded species
GS 1	39	12	11	1	0	11	1	1 species
GS 2	36	22	22	0	0	22	1	1 species
GS 3	36	15	15	0	0	15	1	1 species
SE 1	24	7	2	0	0	7	1	1 species
SE 2	28	10	5	0	0	10	1	1 species
NE 1	37	9	1	0	0	9	1	1 species
NE 2	47	31	2	0	0	31	1	1 species
Total	420	157	72	3	6	148	17	11 %

Table A6.2 – Summary of flora strata representative samples

Flora strata	Subgroup (if applicable)	No.	Common name	Species name	Region	Excluded species/ Targeted Survey/ Assumed presence
Water plants	Aquatic	WP1	Maundia triglochinoides	*Maundia triglochinoides*	HCC	Targeted survey
	Semi-aquatic	WP2	Tall Knotweed	*Persicaria elatior*	GS	Excluded predicted species
Canopy	Tree	C1	Charmhaven Apple	*Angophora inopina*	HCC	Targeted Survey and recorded on site
		C2	Weeping Myall (*Acacia pendula*) population in the Hunter catchment	*Acacia pendula - endangered population*	HCC	Excluded predicted species
		C3	Slaty Red Gum	*Eucalyptus glaucina*	HCC	Excluded predicted species
		C4	Rough-shelled Bush Nut	*Macadamia tetraphylla*	NE	Excluded predicted species
Mid Storey	Shrub	MS1	Netted Bottle Brush	*Callistemon linearifolius*	HCC	Targeted Survey
		MS2	Small-flower Grevillea	*Grevillea parviflora subsp. parviflora*	HCC	Excluded predicted species but included as candidate species (BDAR)
		MS3	Guthrie's Grevillea	*Grevillea guthrieana*	NE	Excluded predicted species
		MS4	Hairy Geebung	*Persoonia hirsuta*	GS	Excluded predicted species
		MS5	N/A	*Dillwynia tenuifolia*	GS	Excluded predicted species
Groundcover	Perennial herb	GC1	Heath Wrinklewort	*Rutidosis heterogama*	HCC	Targeted survey
	Orchid	GC2	Leafless Tongue Orchid	*Cryptostylis hunteriana*	HCC	Targeted Survey
		GC3	N/A	*Pterostylis chaetophora*	HCC	Excluded predicted species
		GC4	*Cymbidium canaliculatum* population in the Hunter Catchment	*Cymbidium canaliculatum - endangered population*	HCC	Targeted Survey
		GC5	Illawarra Greenhood	*Pterostylis gibbosa*	SE	Excluded predicted species
		GC6	Buttercup Doubletail	*Diuris aequalis*	SE	Excluded predicted species

Table A6.3 – Summary of fauna representative sample data

Audit	Total no. of predicted candidate species	FAUNA					Representative sample	
		No. of predicted candidate species	No. excluded from survey in BAM-C	No. recorded on site	No. assumed present on site	No. of species absent on site (not recorded)	No. reviewed as representative sample	% predicted candidate species
HCC 1	43	32	5	3	0	29	5	10%+2 species
HCC 2	51	31	7	3	1	27	5	10%+2 species
HCC 3	34	23	23	3	0	20	3	10%+1 species
HCC 4	26	20	18	0	1	19	3	10%+1 species
SW 1	5	4	4	0	0	4	3	3 species
NW 1	14	12	3	0	7	5	3	3 species
GS 1	39	27	26	1	0	26	2	2 species
GS 2	36	14	10	2	0	12	2	2 species
GS 3	36	21	21	0	0	21	2	2 species
SE 1	24	17	15	0	0	17	2	2 species
SE 2	28	18	12	0	0	18	2	2 species
NE 1	37	28	22	0	0	28	2	2 species
NE 2	47	16	6	0	0	16	2	2 species
Total	**420**	**263**	**172**	**12**	**9**	**242**	**36**	**14 %**

Table A6.4 – Summary of faunal group representative samples

Faunal group	Subgroup (if applicable)	No.	Common name	Species name	Region	Excluded species/ Targeted Survey/ Assumed presence
Amphibians	N/A	A1	Green and Golden Bell Frog	*Litoria aurea*	HCC	Targeted survey
	N/A	A2	Giant Burrowing Frog	*Heleioporus australiacus*	HCC	Targeted survey
	N/A	A3	Giant Barred Frog	*Mixophyes iteratus*	NE	Excluded predicted species
	N/A	A4	Red-crowned Toadlet	*Pseudophryne australis*	GS	Excluded predicted species
Mammals	Bat	M1	Little Bent-wing Bat	*Miniopterus australis*	HCC	1. Targeted survey and recorded on site 2. Excluded predicted species but recorded on site
		M2	Grey-headed Flying-fox	*Pteropus poliocephalus*	NW	Excluded predicted species
		M3	Large-eared Pied Bat	*Chalinolobus dwyeri*	GS / SE	Targeted survey (x2)
		M4	Large Bent-winged Bat	*Miniopterus orianae oceanensis*	NE	Excluded predicted species
		M5	Eastern Cave Bat	*Vespadelus troughtoni*	GS	Targeted survey and recorded on site
	N/A	M6	Common Planigale	*Planigale maculata*	HCC	Targeted Survey
	Arboreal	M7	Brush-tailed Phascogale	*Phascogale tapoatafa*	HCC	Excluded predicted species
	Koala	M8	Koala	*Phascolarctos cinereus*	NW / GS	Excluded predicted species (x2)
Invertebrates	Dragonfly	I1	Giant Dragonfly	*Petalura gigantea*	HCC	Targeted survey
	Moth	I2	Golden Sun Moth	*Synemon plana*	SE	Excluded predicted species
	Butterfly	I3	Laced Fritillary	*Argynnis hyperbius*	NE	Targeted survey
	Snail	I4	Dural Land Snail	*Pommerhelix duralensis*	GS	Excluded predicted species
		I5	Cumberland Plain Land Snail	*Meridolum corneovirens*	GS	Excluded predicted species

Faunal group	Subgroup (if applicable)	No.	Common name	Species name	Region	Excluded species/ Targeted Survey/ Assumed presence
Reptiles	Snake	R1	Pale-headed snake	*Hoplocephalus bitorquatus*	HCC	3. Targeted survey 4. Excluded predicted species (x2)
	Lizard	R2	Striped Legless Lizard	*Delma impar*	HCC	Assumed present
		R3	Pink-tailed Legless Lizard	*Aprasia parapulchella*	SE	Targeted survey
Birds	N/A	B1	Regent Honeyeater	*Anthochaera phrygia*	HCC	Excluded predicted species
	N/A	B2	Swift Parrot	*Lathamus discolor*	HCC	Assumed present
	N/A	B3	Glossy Black-Cockatoo	*Calyptorhynchus lathami*	HCC	Excluded predicted species
	N/A	B4	Major Mitchell's Cockatoo	*Lophochroa leadbeateri*	SW	Excluded predicted species
	N/A	B5	Squatter Pigeon (southern subspecies)	*Geophaps scripta scripta*	NW	Targeted survey
	N/A	B6	Bush Stone-curlew	*Burhinus grallarius*	SE	Excluded predicted species
	Owl	B7	Barking Owl	*Ninox connivens*	HCC	Targeted Survey
		B8	Masked Owl	*Tyto novaehollandiae*	SW	Excluded predicted species
	Raptor	B9	Little Eagle	*Hieraaetus morphnoides*	SW	Excluded predicted species (x2)
		B10	White-bellied Sea-Eagle	*Haliaeetus leucogaster*	NE	Targeted survey

Appendix 7. Audit BDAR background data

Table A7.1 – Summary of audited BDAR background data

Region	Audit no.	Scheme entry	Size of subject land (ha)	Size of development site (ha)	BDAR assessed whole development	Part DA assessed under former legislation	IBRA Region	IBRA Subregion
Hunter Central Coast	HCC1	BV Map	5.92	3.01	No, Stages 5-7 of larger residential subdivision	Yes	Sydney Basin	Hunter
	HCC2	BV Map	24.74	22.87	No, part of larger Golf course residential subdivision	Yes	Sydney Basin	Wyong
	HCC3	Area clearing	0.81	0.81	Yes, residential aged care facility	No	Sydney Basin	Hunter
	HCC4	Area clearing	0.81	0.81	Yes, residential subdivision	No	Sydney Basin	Hunter
South West	SW1	Area clearing	Not provided	4.0	Yes, quarry development	No	Murray Darling Depression	South Olary Plain
Greater Sydney	GS1	Area clearing	16.55	3.4 (V7)	Yes, Rural cluster subdivision	No	Sydney Basin	Yengo
	GS2	Area clearing	14.37	14.37	Yes, residential subdivision	No	Sydney Basin	Cumberland
	GS3	BV Map	2.02	1.4	Yes, 1 into 2 lot subdivision	No	Sydney Basin	Cumberland
North West	NW1	Area clearing	560	8.22	Yes, 6 staged quarry extension development	No	Darling Riverine Plains	Bogan Macquarie

Region	Audit no.	Scheme entry	Size of subject land (ha)	Size of development site (ha)	BDAR assessed whole development	Part DA assessed under former legislation	IBRA Region	IBRA Subregion
South East	SE1	BV Map / Area clearing	Not provided	2.7	No, Stage 9 of larger residential subdivision	Yes	Sydney Basin	Illawarra
	SE2	BV Map / Area clearing	97.6	39.38	Yes, large residential subdivision	No	South Eastern Highlands	Monaro
North East	NE1	BV Map	3.54	3.54	Yes, residential subdivision	No	NSW North Coast	Macleay Hastings
	NE2	Area clearing	2.02	1.27	No, part of larger residential subdivision	Yes	South Eastern QLD	Clarence Lowlands

Table A7.2 – Summary of audited BDAR AA background data

Region	Audit no.	AA previously accredited	BDAR team >1 AA	No. of BDARs lodged to council	AA Sole trader or part of a consultancy
Hunter Central Coast	HCC1	No	**Yes - 3**	3	Consultancy
	HCC2	**Yes**	**Yes - 3**	2	**Consultancy (large)**
	HCC3	**Yes**	**Yes - 3**	2	Consultancy
	HCC4	No	No	2	Consultancy
South West	SW1	No	**Yes - 2**	2	Consultancy
Greater Sydney	GS1	No	No	6	**Sole trader**
	GS2	**Yes**	No	2	**Consultancy (large)**
	GS3	No	No	2	**Sole Trader**
North West	NW1	No	**Yes - 2**	3	Consultancy
South East	SE1	No	**Yes - 2**	2	Consultancy
	SE2	No	**Yes - 2**	2	Consultancy
North East	NE1	**Yes**	No	2	Consultancy
	NE2	**Yes**	No	1	**Consultancy (large)**
Total	**13**	**5**	**7**		

Table A7.3 – Summary of audited BDAR council background data

Region	Audit no.	LGA	Does council have a specialist officer to review BDARs?	Type of specialist council officer	Does council have an internal AA?
Hunter Central Coast	HCC1	Central Coast	**Yes**	AA/Ecologist	**Yes**
	HCC2	Lake Macquarie	**Yes**	AA/Ecologist	**Yes**
	HCC3	Maitland	No	N/A	No
	HCC4	Muswellbrook	**Yes**	AA	**Yes**
South West	SW1	Balranald	No	N/A	No
Greater Sydney	GS1	The Hills	**Yes**	AAs	**Yes**
	GS2	Liverpool	**Yes**	Environmental Planner	No
	GS3	Penrith	**Yes**	Ecologist	No
North West	NW1	Narromine	No	N/A	No
South East	SE1	Shellharbour	**Yes**	AA/Ecologist	**Yes**
	SE2	Queanbeyan-Palerang	No	N/A	No
North East	NE1	Port Macquarie-Hastings	**Yes**	Ecologist	No
	NE2	Ballina	**Yes**	Environmental Scientists	No
Total		**13**	**9**		**5**

Appendix 8. Summary of AA feedback

Table A8.1 – Summary of audited AA feedback from interview

Key area	Feedback area	AA feedback
Scheme Entry	Scheme entry (Feedback 1)	• APZ for Area clearing threshold and adequately considering what is required due to bushfire concerns
General comments on the scheme	Scheme (Feedback 1)	• Good scheme – have confidence in the scheme compared to other schemes that it will achieve no net loss • Logical process driven framework with a consistent approach • Continual improvements are positive as it makes undertaking the assessments easier if you understand your requirements
	Scheme / BAM (Feedback 2)	• Roll out of the scheme was rushed at all levels • Applied parameters decreased the viability of BSA sites • Incentives are not in place for conservation of high-quality vegetation – prefer to use degraded/moderate quality as better valued • Not an understanding by BCD economics and impacts viability of developments • Company met with BCD/BCT to discuss issues – BAM 2020 will fix some issues • Market driven system versus scientific driven group
	BOP-C (Feedback 2)	• Poor design tool • Influencing the market (negatively) – negotiating between buyer and sales • Detrimental to impact to the scheme • Driving BCT payments • Situation has deflated highly experienced assessors – Biobanking worked better than BAM as there was no market influence • Noted 20 projects that have had negative biodiversity outcomes over both the development and BSA space
	BDARs (Feedback 3)	• A lot more work than expected, particularly with legal obligations for AAs • Process/system for assessment is good and removes subjectivity compared to the test of significance • Thorough assessment process with reporting and financial obligations for clients

Key area	Feedback area	AA feedback
BAM knowledge and experience	Level of knowledge with the BAM (Feedback 1)	• Concerned with less experienced assessors not having the level of understanding the BAM requirements and experience history to provide the quality of report needed for determining authorities • Very complex process
	East Coast PCT release (Feedback 2)	• PCT changes not out yet for the east coast (meant to come out at start of year) – justification for PCT can be challenging in the North Coast when they do not fit well into an existing PCT • Release of the PCT update should improve and assist with this challenge. Need an update on this project

	BAM guidance material (Feedback 3)	• Further guidance in this area would be appreciated for small DA areas
		   o challenging on how to deal with small DA area that are degraded sites
		   o some sites are heavily degraded with 1 or 2 natives which have to be aligned to a PCT. This can be challenging to assign appropriately

	BAM guidance material (Feedback 4)	• Looking forward to new/updated resources as soon as available
		   o survey guidance for fauna
		   o BAM 2020 and updates to Operational Manuals
		• Would like further direction and guidance on:
		   o planted vegetation
		   o what is considered exotic – definition of native vegetation when there is no woody vegetation present (e.g. 50% cover)

	BAM fieldwork (Feedback 5)	• Opportunity to flag Candidate species that have small survey windows to assist AA coordinate targeted field surveys • Spring/summer extremely busy for fieldwork • Can be overwhelming trying to line up the different species survey requirements and timing • AA to create a spreadsheet to adequately consider those species with small windows (e.g. orchids) so do not miss opportunity
BDAR template	BDAR consistency	• Support a BDAR template as will provide a standardised report that AA can use, particularly if councils want things done a certain way • Should also include a Streamline BDAR, BCAR and BSSAR templates • Will set a standard for all AAs to use and provide consistency (particularly for us sole traders) for reporting
TEC Definitions	Snow gum EEC	• Definition is currently difficult to easily identify the EEC. Guidance would be appreciated to make it easier to identify this EEC

Key area	Feedback area	AA feedback
Avoid and minimise	Reasonable avoidance (Feedback 1)	• AA is finding it difficult to provide consistent guidance to applicants on appropriate footprints as each council has a different perspective on what is reasonable • Even harder for planning proposals that have been approved under the old legislation and whether use of land rezoned as E2 can be used to demonstrate avoidance in the DA, particularly if the whole residential is to be cleared • Case studies of different scenarios would be very helpful
	Rezoning applications (Feedback 2)	• Feedback from AA they were disappointed with the avoid and minimise section in Stage 2 BAM operational manual as it now specified that all impacts to biodiversity values should be avoided but did not provided any guidance on what was considered 'reasonable avoidance' • Guidance is need in the avoid and minimise section particularly in relation to rezoning interactions with new values found on site during surveys
DA approvals and credit obligations	Council Reviews (Feedback 1)	• Has been frustrating as different level of review by each council • Some approve with limited number of comments (appears to be associated with council resources) • Others have a tough critique of the BDAR with large number of comments even though use the same BDAR format (AA on staff with council)
	DA Approvals and Offset Obligations (Feedback 2)	• AA identified there feels like a disconnect between the offset calculator in BOAMS with DA approval • Needs to be link to the DA outcome (conditions of approval for the DA) and credit retirement
	Offset Obligations (Feedback 3)	• Offset obligations can make some developments unfeasible, particularly out west
	Staged DAs and Offset Obligations (Feedback 4)	• Staged DAs and condition obligations linked to Construction certificates – how do these staged developments get processed by councils? Starting to get more developments due to multimillion-dollar credit obligations • Would like to know the steps to advise clients as condition obligations are generally linked to sign off of construction certificates and funding of each stage by the developer
Planning proposals	Formal guidance on requirements (Feedback 1)	• Planning proposal guidance is needed from the department on what is the minimum requirements for Biodiversity Assessments • AA identified for PP likely to enter the scheme, a directive should be to complete Stage 1 and 2 so you can understand the feasibility of the development and credit obligations

Key area	Feedback area	AA feedback
Fauna ecologists and survey requirements	Role of fauna ecologists in the BAM (Feedback 1)	• Issues with the scheme/BAM accreditation for fauna ecologists - feels like the current system devalues experience and knowledge that these ecologists hold • Would really like to see the fauna ecologist skill set more valued and an accreditation the acknowledges the importance of this role for targeted TS surveys in accordance with the BAM • Fauna ecologists should not have to be an accredited expert in the field to have their experience recognised
	Fauna survey requirements (Feedback 1)	• Guidance on what is enough survey effort would be appreciated, particularly for smaller isolated sites. Would help with inconsistencies across the different councils • Had significant hoops to jump through as some councils are not accepting no surveys with an assumed presence. This process is not what they understand is correct and has extended timeframes greatly
	Fauna survey requirements (Feedback 2)	• Attention is needed to provide more guidance for fauna surveys and what level of evidence is required to exclude a species • Challenging to have confidence that the level of field survey for fauna. Current advice is limited/not detailed enough to provide adequate exclusion of a species – what level of evidence is required as often it depends currently on the council requirements
Mapped important habitat	Mapping release (Feedback 1)	• AA currently seeks advice from the BOS Enquiry form, and it is unclear which is the correct choice for this purpose • Only receive a Yes/No answer to whether the site is within a mapped area. Would be useful if a copy of the map was provided to the AA so they can identify where any mapped important areas are in relation to the site • Can the department release the mapping to AAs?
	Mapping release (Feedback 2)	• Issues with mapping not released and having to email department • Request that department releases mapping to AAs, particularly for swift parrot/regent honeyeater
Guidance for Applicants/ planning consultants	Scheme requirements guidance (Feedback 1)	• Issues with applicant and planning consultants not understanding scheme requirements • Challenging to lodge BDAR within 14 days – largely out of AAs control • AA tries to keep on top of it with the planning consultants, need guidance material to educate clients/planning consultants of requirements • Guidance needed in simple English (not technical) and should include lodgement and survey seasonal requirements

Key area	Feedback area	AA feedback
Council variability in opinions and requirements	Council review of BDARs (Feedback 1)	• The AA team identified that they have observed a real variability in requirements and opinions from different council when it comes to review and approval of BDARs • This inconsistency is a problem when providing advice to clients as what may be ok for one council may not be the case for another council within the same region
	Council review of BDARs (Feedback 2)	• Different requirements for each council can make it challenging • Not all councils can assess internally and using an external AA to assess the BDARs. Of concern to AA of a small company, COIs as council may go to a larger company with several AA that may align with that individual council
	Council review of BDARs (Feedback 3)	• Inconsistent application of the BAM between different council assessors and LGAs. Appears to be linked to specific technical expertise resources available within councils • DAs that enter the scheme by the BV Map but a BDAR is not always required (No specific ecology/AA resources within council) • Overly thorough BDAR review and request onerous requirements for small development impacts. For example, 5 BDAR revisions to get approved (multiple AA/Ecologists within council)
DPE Advice	AA Support (in person) (Feedback 1)	• Noted that rapid turnaround from department is not happening for advice • The AA values department's third party opinion when council and the AA do not agree • A hotline for AA would be very useful as it can be challenging trying to articulate the issue in email
	AA Support (in person) (Feedback 2)	• Would be of benefit to have AA department resource to discuss technical issues with • Used to utilise the HCC LGSO help desk and it was useful to discuss an issue with an actual person

	AA Support (in person) (Feedback 3)	• Feedback was provided relating to questions to department and experience to date:
		  o email responses have been received 1 week or more which often in the consultancy word is too long time period for the client
		  o when the department has been contacted on the phone, often can not find the right person to discuss the issue
		• Would be great to have a customer service person for the scheme/BAM related questions

	AA Support (in person) (Feedback 4)	• AA regularly engages with the Ecosystem Assessment team – valuable resource and doing a good job

Key area	Feedback area	AA feedback

Key area	Feedback area	AA feedback

AA Training	Accreditation training (Feedback 1)	• Original AA training course was lacking AA training for BOAMS was not covered in 5-day course – set up, use and close out
		• Legislation could be done outside face to face
		• More important to cover:
		  o use of BOAMS/BAM-C (start to finish) with case study would be helpful
		  o writing – what is required by the AA, set up of a BDAR, evidence/justification required
		  o surveys – not just BAM plots, more emphasis on threatened species targeted survey requirements

	Accreditation training (Feedback 2)	• AA was in the first AA fast track group prior to the enactment of the BC Act and did not have access to an operational BOAMs for training • Found not a lot of guidance material in the beginning but now an overload of guidance material to process as an AA provided by the department
	BOAMS case management training (Feedback 3)	• Would like guidance on version control in BOAMS • Not clear on best way to display the different versions after lodgement. Would normally create new child case files
	BOAMS case management training (Feedback 4)	• Further training for reaccreditation with a step by step process for setting up BOAMs and finalising the parent/child cases including flow chart • Supports training that has a BOAMS case study from start to finish
	Reaccreditation training (Feedback 5)	• Early delivered in pieces and has become less relevant as changes have naturally occurred over time • Refresher course would be useful for reaccreditation • Guidance and training step by step for BOAMs and BAM-C
	BOAMS case management training (Feedback 6)	• AA finds BOAMs clunky for documents needing to be uploaded • Guides need to be embedded into BOAMs for easy access • Need better processes for change and assistance to understand what's new • Would support targeted training from set up to close out
Reaccreditation	CPD requirements (Feedback 1)	• As Principal Technical lead in a large consultancy, struggle to get hours in the field for reaccreditation • Role largely provides strategic advice, BAM-C calculation reviews and BDAR technical reviews • Would like DPE to consider how these roles can be accommodated in CPD for reaccreditation

Key area	Feedback area	AA feedback
AA Forums and Webinars	Feedback 1	• Attended the BCT forum – positive feedback as a good way to disseminate new information to AA's. Recommends the forum environment and would love to see more from the department • AA Webinars – have attended live and accessed recordings. AA has found having the webinars available afterwards is useful to review later at a time that is convenient
	Feedback 2	• Timeframes for some webinars particularly during spring (e.g. BAM 2020 release) are during times when AAs are in field completing BAM surveys, so they miss the opportunity to be part of the webinar live. Noted that webinars are recorded and can come back to watch later • Felt that some webinars could have delved into more detail on the operational application and should have additional specialised officers so that specific questions on the webinar topic can be answered during the webinar rather than being taken on notice • Could not find Q&A responses from the webinars, had asked questions, and felt like that their specific question had not been answered. Flagged a repository of these Q&A should be stored on the AA resources
	Feedback 3	• As a sole trader, run out of time to attend all the webinars • Resources are great, updating AAs of new changes in the scheme • So much work keeping up with all the changes and how they apply – AA feels the system is set up better for bigger consultancies rather than sole traders
	Feedback 4, 5 and 6	• Useful and Q&A are helpful reference for any questions raised during the webinars

Appendix 9. Summary of LG feedback

Table A9.1 – Summary of participating council feedback from interview

Key area	Feedback area	LG feedback
Entry into Scheme	Entry into the scheme (Feedback 1)	• Larger subdivision estates (Byron Bay) are often staged to avoid entering the scheme. Look at any opportunity to get smaller DAs
General comments on the scheme	Scheme/ BAM (Feedback 1)	• Large areas of potential native grassland can be challenging and frustrating to assess development requirements • Offsets can be cost prohibitive for certain development – rural/rural residential • Council does rely on ecological reports/BDARs
	Scheme/ BAM (Feedback 2)	• Council noted lots of legislative changes – feel like they are doing pretty well • Loss of LGA biodiversity values – no certainty on what will be retained. What happened to protecting local populations? • Community plans to conserve – council working plan/policy for no net loss • Cumulative impacts challenging • Derived grasslands (have not been slashed and becomes native regeneration) • Policy not to go into a VPA – what alternative arrangements are available for council?
	BAM (Feedback 3)	• BAM assists council to ask what they want to assess biodiversity impacts which is much better than the old system in this regard
	S34 A exemptions (Feedback 1 and 2)	• Have S34A exemptions ceased for developments under former legislation? o has this expired? o planning proposals approved for subdivisions now DA with council o had issues with 2 situations where planning proposals for significant rezoning have conservation agreements/ arrangements
BAM application	Consistent BDARs (Feedback 1)	• BDAR template would be a good idea • Issues with species credits and exclusion justification – standardised process and format for tables • Specifics on what outputs (reports) from the BAM-C are required in the BDAR
	GIS shape files (Feedback 2 and 3)	• Council is asking AA for shape files, but some applicants are reluctant to provide even though it's a BAM data requirement • AA are not providing Shape files with BDAR, council are having to request
	Consistent BDARs (Feedback 3)	• Need to specify what BAM-C reports should be included in Appendix of BDAR • Not clear on credits to be retired – full credit report needs to be included in BDAR

Key area	Feedback area	LG feedback
	AA botany experience (Feedback 4)	• AA training has large onus on BAM plots – found during AA training there were ecologists without the greatest plant knowledge who are now accredited. This affects their ability to accurately record species within BAM plots and PCT identification
BDAR quality	Feedback 1	• Quality has varied across AAs • Usually sole traders have lower quality (including AA ability to use GIS – area calculations and mapping) • Council comments – some are receptive and others not taking comments on board. Try to assist with examples but sometimes gets to the point where nothing modifies the offset requirement so ending up accepting a report that may not be great but ok
	Feedback 2	• Received 1 good BDAR except for Avoid and Minimise – residential land and E2/E3 land (development was not consistent with this part of the zoning). Site was hilly and required massive cut and fill so was difficult to retain trees. Retention within individual lots but fuzzy around scattered/paddock tress adjacent to intact vegetation (corridor values). Looked at individual trees rather than part of the landscape • 1 BDAR has gone to L&E Court – BDAR was reasonable but issues with avoid and minimise (judgement on extent of clearing proposed)

	Feedback 3	• Issues with AA not complying with the BAM, not willing to update the BDAR and not providing GIS files
		• Have reported non-compliances to DPE – feel no outcomes or changes came of it
		• Plagiarising work
		• Challenging with council available review time
		   o EP&A Act specific and difficult with complicated DAs
		   o inadequate BDARs are taking a lot of council officer review time and having multiple requests for additional information
		   o consistency is important for LG – minimum requirements need to be met

	Inadequate BDARs approved by L&E Court (Feedback 3)	• Highly inadequate BDARs are in the L&E Court
		   o frustrating the AA doesn't improve and fundamental issues such as PCT are wrong. The AA doesn't learn as it is out of the councils hand with the L&E Court determining the BDAR
		   o BDAR can be used as baseline document even if inadequacy's present
		   o problem if surveys were not undertaken in accordance with survey guidelines or species were exclude with inadequate exclusion justification

Key area	Feedback area	LG feedback

BAM Stage 2 – Avoid and Minimise	Adequate details on proposal impacts (Feedback 1)	• Poor understanding of impacts on site by AAs
		• Not understanding operational and construction impact and how this will affect/impacts on the values identified on site
		    o council noted specific engineering/bushfire /landscaping requirements for the development are often missed
		    o for example – requirements for retaining walls (landscaping) and dams/sediment basins (temporary – construction or permanent – operational)

	Impact buffers (Feedback 1)	Buffer guidance needed between areas of impact and conserving remaining vegetation o for example – proposing development (building) with only minimal area (2m) between the final building and stewardship site – indirect impacts of drainage/requirements for bushfire protection etc. from the operational site

	Construction impacts (Feedback 1)	• Guidance is needed on construction impacts
		    o for example -construction of roads/ bridges need a larger construction impact area to the final operational area for specific machinery, foundations etc.
		    o how is construction going to occur? Need specifics
		• Need clear construction footprint requirements and offset if additional clearing is required

	Bushfire management (Feedback 1)	• Guidance is needed on Bushfire Management
		    o approaches for APZ – inner protection zones should have VI score set as zero
		    o rural clusters and cumulative impacts considered
		    o ongoing indirect impacts (fire trails and APZ maintenance)
		    o usually discuss in pre-lodgement briefing (not always understood) and in early conversations about DA requirements
		• Council often required to negotiate avoid and minimise – takes a long time (disconnected in the DA process)

	Reasonable avoidance (Feedback 1)	• Guidance is needed rather than requirements as it give councils an opportunity to negotiate a positive outcome
	Reasonable avoidance (Feedback 2)	• Council has seen some interesting interpretations from AAs • Very subjective with different perspectives between government and developers • Need guidance for consistent application across the stakeholders
	Reasonable avoidance (Feedback 3)	• Adequate avoidance is challenging for AAs, paid by the developer • Difficult space – very subjective. How do you manage sites with old growth forest where 2/3 site should be retained?
	Reasonable avoidance (Feedback 4)	• BDAR is a good example with reliance on an approved planning proposal concept to justify no avoidance measures within the residential zone as they are retaining the vegetation within the E2 zone • What level of detail is required to justify avoidance has occurred? • Council would really benefit guidance from department on how to consider these scenarios and what would be considered 'reasonable' avoidance in these circumstances when the entire residential zone will be cleared

Key area	Feedback area	LG feedback

Avoidance of identified TS nesting habitat	Avoidance of fauna breeding habitat (Feedback 1)	• Consideration in BDARs of avoidance of any clearing/development and minimise disturbance within buffers identified for fauna essential for breeding in the TBDC e.g. powerful owl (100m buffer around the nest tree)
		
		   o council is finding it challenging when the AA has included clearing within allocated TS nesting habitat buffers which generate a species credit that can be offset when impacted
		
		   o council are finding they are needing to justify to the AA why this should not occur
		
		   o the BAM should include a link the requirements for buffers to be retained within the TBDC and avoidance of these essential/critical areas for species credit species within the development site
		
		   o it should also include the requirement to provide adequate justification and supporting evidence to why clearing is required within these areas that are considered essential/ critical for these TS within the BDAR

SAII entities and potential impacts	Mapped important habitat (Feedback 1)	• Impact on an area that is mapped as important habitat, can Council request assistance from DPE to adequate consider SAII? • Council would like further guidance on assessing SAIIs and how they can access expertise from DPE TS Accountable officers For example, could council clarify questions on the threatened species and whether the proposed impact in that location could have a significant affect. This information could be used to support the council ecologist's assessment and decision-making process
	SAII guidance for TECs (Feedback 2)	• Updated BAM Guidance – need further guidance for LG decisions relating to clearing of SAII ecological communities • Challenging for council if all the CEEC vegetation within the development is to be cleared. AAs are looking at the wider subregion to justify clearing SAII CEEC For example – within LGA only 5 ha of CEEC and lose 0.5ha from this development but have more available in other LGAs. Council doesn't have control of clearing of CEEC in other LGAs and do not want local extinction of this CEEC in their own LGA
	SAII guidance for TECs (Feedback 3)	• Criteria – none for EECs • SAII decisions can be challenging and subjective with some councils are conservative with no clearing and others have a different perspective
	Adequate consideration of SAII (Feedback 4)	• Challenging position for council to make decisions on SAII • Council just starting to use BC Act (were in an IDA) • BCD and former LGSO have assisted with technical expertise • Planners do not have the expertise to make decisions on SAII and expensive for a legal opinion for council • Unreasonable decision as council is relying on external specialist reports/BDAR and AA opinion • Generally, opinion of a SAII is not likely. Difficult for council when varying opinions from the experts and do not want to set a precedent within their LGA

Key area	Feedback area	LG feedback
Expert reports	Guidance on excepting expert reports (Feedback 1)	- An AA has approached council to use an expert on the DPE published experts register, however, they are not listed in the Hunter Region as an expert - What is the process for council to be happy that an expert has been approved by the department to prepare an expert report to accompany a BDAR?
LG Access BOAMS cases	Access to BOAMS (Feedback 1)	- Positive for LG to have access so they can review the case and calculations in the BAM-C - Was an issue before as the BAM-C calcs and tables could not be viewed to compare with BDAR
LG Support – webinars and newsletters	LG webinars and newsletters (Feedback 1)	- LG webinars and newsletters are informative - DA Planner receives this information, reads on receipt and then stores in a specific folder for reference if needed. This includes all other information provided on the scheme/BC Act
	LG Webinars (Feedback 2)	- LG Webinars are accessible, but a lot of information provided - Often not a priority with high workloads
LG Support	LG Support (In person) (Feedback 1)	- Utilised LG Support Officer previously for biodiversity related questions, who also assisted council in one matter related to illegal clearing within the LGA - Council was not sure whether someone replaced this officer?
	LG Support (In person) (Feedback 2)	- Not aware of contact from BCS Division Regional Planning Team - Would like the details if they have any questions about application of the scheme and for when they receive their first BDAR
Regional considerations	NNSW Region (Feedback 1)	- Very different region to other regions with biodiversity hotspots and high diversity - Challenging with development and managing conservation entities
LG BDAR reviewers	Guidance (Feedback 1)	Would be valuable to note – Important to first scan BDAR for BAM minimum requirements to ensure everything is there before undertaking a detailed review
	LG BDAR critical review (Feedback 2 and 3)	- Council find this difficult to use as it is hard to follow and find information due the format of BDARs received from AAs - Time consuming reviewing BDARs – hard to know when to stop the technical review and rely on BCD feedback. Often checking for adequacy meeting minimum requirements which takes away technical review time - LG Guidance – key items to consider when reviewing a BDAR. - certified BDAR – what does this mean and legislative requirements - checklist for BDAR – standard BDAR proforma/template with certification and calculations would be helpful - AA to upload BDAR and GIS files into BOAMS - training needed on how to interrogate the information within BAM-C (what's important such as VI scores, likelihood table, justification for exclusion)

Key area	Feedback area	LG feedback
Guidance for Applicants	Feedback 1	• Applicants do not understand what the outcome of the BDAR means and offsets required
	Feedback 2	• Issues with applicant and planning consultants not understanding scheme requirements o targeted guidance material for these stakeholders would help council o applicants not addressing scheme entry well o council have a lot of DAs where additional information is requested on entry to the scheme o planning proposal guidance is really needed to assist pre-gateway and level of assessment required for Biodiversity impacts

Key area	Feedback area	LG feedback