

Guidance for Accredited Assessors on the assessment of MNES

Purpose and Scope

This Guidance Note is intended for use by accredited assessors when preparing a Biodiversity Development Assessment Report (BDAR) for a major project where there are predicted to be impacts on matters of national environmental significance (MNES) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The BDAR Template, mandatory for major projects through SEARs, requires accredited assessors to complete a separate MNES Appendix (Appendix E on the template). This Guidance Note is designed to help accredited assessors prepare an Appendix E that is suitable for major project assessment.

Appendix E should cover both:

- where the NSW Biodiversity Offset Scheme's (BOS's) Biodiversity Assessment Method (BAM) (2020) can provide an adequate assessment of EPBC-listed threatened species and communities, and
- where the assessment of biodiversity-related MNES cannot be assessed by applying the BAM.

(Note: Planning does not expect accredited assessors to present assessments of non-biodiversity-related MNES within the BDAR).

Additional guidance regarding referencing

Accredited assessors are required to reference key information used in the preparation of Appendix E, including:

- Referral documentation from the Australian Government Department of Climate Change, Environment, Energy and Water (AG DCCEEW), including the referral decision brief
- Secretary's Environmental Assessment Requirements (SEARs) in relation to Commonwealth matters
- Supporting databases and directories (such as the NSW BioNet Vegetation Classification, NSW BioNet Threatened Biodiversity Data Collection, NSW BioNet Atlas, NSW BioNet (Mitchell) Landscapes, Commonwealth Species Profile and Threats Database and the Directory of Important Wetlands in Australia, and Biogeographic Regionalisation for Australia)
- Australian Government plans and agreements (such as International environmental obligations, Recovery Plans, Approved Conservation Advice and Threat Abatement Plans) <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>, and
- Other relevant NSW and Australian Government policies and guidelines (such as the Australian Government's Significant Impact Guidelines).

Summary Table (Attachment 1)

Accredited assessors are required to prepare a Summary Table (Attachment 1), that provides a summary of predicted impacts and offsets relating to MNES.

The Summary Table is required to form part of Appendix E of the BDAR.

Completion Checklist (Attachment 2)

Accredited assessors are required to complete a Completion Checklist (Attachment 2) to assist accredited assessors to confirm that Appendix E to the BDAR is complete, for all relevant EPBC matters.

The checklist establishes the minimum information requirements of Appendix E of the BDAR. The completed checklist does not need to be included in the BDAR documents but should be available for review if sought by Planning.

Attachment 1: Summary Table for assessment of predicted impacts on EPBC Act-listed Threatened Species and Communities

Description of Threatened Species / Community listed under EPBC Act	Description of PCTs associated with the ecosystem credit species / ecological community (if applicable)	Area of Predicted Impact (ha)	Credits Required	Offsetting Approach	Page references (EIS, BDAR)
(complete a separate line for each threatened species/community listed under EPBC Act)					

Attachment 2: Completion Checklist for BDAR Appendix E, relating to assessment of predicted impacts on EPBC Act-listed Threatened Species and Communities

Initial when complete	Information required to be included in Appendix E	Comments
PART A		
Confirm that general information in Appendix E (MNES) of the BDAR is complete/sufficient		
	Appendix E clearly shows how operational and construction footprints , including clearing boundaries, structures to be built and elements of the action, are situated with regard to MNES (and/or references to where this detail is provided within the body of the BDAR).	
	Appendix E includes a map(s) of the subject land boundary showing the proposal/disturbance footprint with respect to location of MNES, including links to or directory locations of GIS shape files (and/or references to where this detail is provided within the body of the BDAR).	
	Appendix E identifies any other site constraints in selecting the location and design of the proposed development (such as bushfire protection requirements, flood planning levels, servicing constraints) (and/or references to where this detail is provided within the body of the EIS or BDAR).	
	Appendix E clearly depicts stages and timing of the action that may impact on MNES (and/or references to where this detail is provided within the body of the BDAR).	

Confirm that the BDAR and in particular Appendix E (MNES) contains the expected components		
	The BDAR Declarations (Section i) include an explicit statement that all EPBC Act listed threatened species and communities that occur on the subject land, or in the vicinity, have been identified in the BDAR/EIS including those that are ecosystem credit species.	
	Appendix E contains a completed Summary Table	
	Appendix E contains sufficient general information regarding the project's predicted impact on MNES	
	Appendix E contains (or references) a separate assessment for each threatened species and community that occurs on or near the site (containing minimum information requirements)	
	Appendix E contains appropriate analysis and justification for any species and communities identified in the referral documentation (provided by the Australian Government) that have been ruled out because they don't occur on or near the site.	
	<p>Appendix E identifies any relevant Commonwealth guidelines and policy statements applicable to the proposed development , including but not limited to:</p> <ul style="list-style-type: none"> • International environmental obligations; • Recovery Plans; • Approved Conservation Advice, and • Threat Abatement Plans 	

PART B (complete a separate Part B checklist for each threatened species / community listed under EPBC Act)		
Confirm that Appendix E (MNES) contains the following items for each EPBC Act listed threatened species and community on the site or in the vicinity		
[Name of threatened species / community 1]		
	<p>Appendix E includes relevant information on the identification of [name of the species/community] on the site or in the vicinity via:</p> <ul style="list-style-type: none"> • Field based survey effort; • Published peer reviewed literature; • Local data, and • Supporting databases (such as the NSW BioNet Vegetation Classification, NSW BioNet Threatened Biodiversity Data Collection, NSW BioNet Atlas, Commonwealth Species Profile and Threats Database search results). 	
	Appendix E includes appropriate mapping of [species/community] in accordance with the relevant Commonwealth Listing Advice	
	Appendix E includes consideration of important populations and critical habitat as defined in Approved Listing Advice, Approved Conservation Advice, Threat Abatement Plans and Recovery Action Plans that relate to [species/community].	
	Appendix E identifies feasible alternatives and efforts to avoid and minimise predicted impacts on [species/community] (including direct, indirect and prescribed impacts) including an analysis of the following alternatives:	

	<ul style="list-style-type: none"> • Designs and engineering solutions; • Modes or technologies; • Routes and locations of facilities, and • Sites within the subject site. 	
	<p>Appendix E identifies feasible measures to mitigate and/or manage predicted impacts on [species/community] (including direct, indirect and prescribed impacts) including:</p> <ul style="list-style-type: none"> • Techniques, timing, frequency and responsibility; • Identify measures for which there is a risk of failure; • Evaluate the risk and consequence of any residual impacts, and • Any adaptive management strategy proposed to monitor and respond to impacts 	
	<p>Appendix E identifies the residual adverse impacts likely to occur to [species/community] after the proposed avoidance and mitigation measures are taken into account, including:</p> <ul style="list-style-type: none"> • Nature and consequences of impacts (i.e. direct and indirect); • Duration of impact (e.g. construction, operation, life of project); • Quantum of impact, and • Consequences of impacts on the species, the population and/or extent of the community at local, state and national scales 	
	<p>Appendix E identifies the level of predicted residual impact, and provides adequate justification and evidence for the predicted level of impact, with reference to the Commonwealth's Significant Impact</p>	

	<p>Guideline.</p> <p>Note. This will mean that the level of predicted impact is described as either:</p> <ul style="list-style-type: none">• High likelihood of significant residual impact (requiring offsets) or• Low likelihood of significant residual impact (not requiring offsets)	
	<p>Appendix E identifies plans for offsetting, including:</p> <ul style="list-style-type: none">• whether the MNES has been offset using the BAM;• how impacts requiring offsets correlate to MNES impacts;• whether ecological rehabilitation and/or biodiversity conservation actions are proposed for offsetting, and• whether any other offsetting approach is proposed, such as land-based offsets, retiring credits by payment into the Biodiversity Conservation Fund and/or through supplementary measures.	
	<p>Appendix E identifies the number and type of (species/ecosystem) credits required for predicted residual adverse impacts to MNES.</p>	
	<p>Appendix E contains an explicit statement that confirms that the BAM (and BAM calculator) has been used correctly to identify the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity.</p>	