

15 December 2025

Our ref: 24SYD8475X

NSW Government
Department of Climate Change, Energy, the Environment and Water (DCCEEW)
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: Conservation Programs, Heritage and Regulation (CPHR)

Re: Response to Submissions (RTS) for Burrah Park (SSD-70316465) – Species polygon application

This letter has been prepared in response to advice received from CPHR, in response to the State Significant Development (SSD) SSD-70316465 known as Burrah Park. The SSD is located at 1953-2109 Elizabeth Drive, Badgerys Creek NSW and is available at [Major Projects](#).

Feedback was received from CPHR on the Burrah Park Biodiversity Development Assessment Report (BDAR), providing the information in Table 1 below.

With reference to both the Biodiversity Assessment Method (BAM) 2020 and the BAM 2017, the interpretation and reasoning of the BDAR application of threatened species polygons is provided below in Table 2. Two species polygons in the BDAR exclude low Vegetation Integrity (VI) scored vegetation in the form of PCT 3320 DNG and exotic vegetation in accordance with the BAM. The species relevant to this response are Southern Myotis (*Myotis macropus*) *Pultenaea parviflora*.

The BAM does not require offsets to be generated for impacts to threatened species habitat when the VI score of the zone is less than 17. Considering that the PCT 3320-DNG vegetation zone has a VI score of 10.2, offsets should not apply and therefore the species polygon should not extend to include these areas. Exotic vegetation areas have been excluded from a species polygon and assessed in accordance with Section 6 of the BAM (prescribed impacts).

It is therefore our interpretation that the species polygons have been correctly applied and inclusion of low VI score vegetation requires no further assessment or offset beyond a prescribed impact assessment. The discussion in this letter addresses the approach as set out by the BAM.

Should you have any questions on this matter, please feel free to contact the phone number above.

Kind regards,



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Senior Environmental Consultant



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Table 1: CPHR Advice (Species polygons)

Relevant species	CPHR Advice
Southern Myotis	<p>The species polygon for Southern Myotis (<i>Myotis macropus</i>) incorrectly excludes PCT 3320-DNG and exotic grassland due to the vegetation integrity (VI) Score. Southern Myotis habitat is not dependent on the vegetation integrity.</p> <p>Section 9.2.2 (1) of the BAM only applies to threatened species assessed for ecosystem credits. The VI score cannot be used to determine the requirement to offset species credit species. In accordance with 9.2.2(2), offsets should be determined for species credit species based on habitat constraints or polygon requirements detailed within the NSW BioNet TBDC and approved survey guides.</p>
<i>Pultenaea parviflora</i>	<p>Section 9.2.2(1) of the BAM only applies to threatened species assessed for ecosystem credits. VI score cannot be used to determine the requirement to offset species credit species. In accordance with 9.2.2(2), offsets should be determined for species credit species based on habitat constraints or polygon requirements detailed within the NSW BioNet TBDC and approved survey guides.</p> <p><i>Pultenaea parviflora</i> is an area species under the BAM. As such, the species polygon is required to incorporate all suitable habitat for the species, regardless of whether individuals were identified at the time of survey, noting targeted surveys were not completed. Additionally, <i>Pultenaea parviflora</i> is a coloniser species which will readily establish after disturbance. No evidence of habitat constraints has been identified within PCT 3320-DNG for this species.</p>

Table 2: BAM Interpretation

Relevant BAM extract	Assessor interpretation
BAM 2020	
<p>9.2 Determine an offset requirement for impacts</p> <p>9.2.1 Impacts on native vegetation and TECs (ecosystem credits)</p> <p>1. 1. The assessor must determine an offset for all impacts of proposals on PCTs that are associated with a vegetation zone that has a vegetation integrity score of:</p> <ul style="list-style-type: none"> a) ≥ 15, where the PCT is representative of an EEC or a CEEC b) ≥ 17, where the PCT is associated with threatened species habitat (as represented by ecosystem credits) or represents a vulnerable ecological community c) ≥ 20, where the PCT does not represent a TEC and is not associated with threatened species habitat. <p>2. The method for determining offset requirements for impacts on native vegetation is described in Chapter 10.</p> <p>3. An offset is not needed for impacts on native vegetation if the vegetation integrity score is below those listed in Subsection 9.2.1(1.); however, if the entity is at risk of an SAI the assessor will need to address the relevant criteria in Section 9.1 and include this in the BDAR or BCAR.</p>	<p>The BAM 2020 states that offsets only need to be calculated for ecosystem credits when the VI score is at least 15, with a score in the range of 15 – 19 only in specific circumstances described under Section 9.2.1.</p> <p>In all circumstances, ecosystem credits do not need to be calculated if the VI score of a vegetation zone is below 15.</p> <p>All the credits required for offsetting ecosystem threatened species will be achieved when the impacts on native vegetation are offset.</p>

Relevant BAM extract	Assessor interpretation
<p>9.2.2 Impacts on threatened species and their habitat</p> <ol style="list-style-type: none"> <i>The assessor must determine an offset for the impacts of proposals on the habitat of threatened species assessed for ecosystem credits and associated with a PCT in a vegetation zone with a vegetation integrity score of ≥ 17.</i> <i>The assessor must determine an offset for the impacts of proposals on threatened species that require species credits, identified in accordance with Chapter 5.</i> <i>The method for determining offset requirements for impacts on threatened species and threatened species habitat is described in Chapter 10.</i> <i>An offset requirement can be proposed for a prescribed impact in accordance with Section 8.6.</i> 	<p>Threatened ecosystem species for this assessment included 24 species, all ecosystem species generated by the BAM Calculator (BAM-C) were included in the assessment except for the comb-crested jacana, which was excluded based on lack of habitat (wetland with a good surface cover of floating aquatic vegetation).</p> <p>The offsets required for all 24 of these species were included in the ecosystem offset calculated according to Section 9.2.1. (see above).</p> <p>Since Section 9.2.1 has addressed the calculation of ecosystem credits, Section 9.2.2 applies to the calculation of species credit species. Thus, there is no requirement to calculate species credits when the VI score for a zone is below 17.</p> <p>If interpreted otherwise, that is the threshold of 17 does not apply to species credits, it would then apply to ecosystem credits. However, the calculation of ecosystem species credits has already been achieved by addressing the requirements of Section 9.2.1.</p> <p>Chapter 10 of the BAM 2020 does not provide a different interpretation of the above.</p> <p>Additionally, impacts to threatened species habitat on exotic vegetation are addressed in accordance with Section 9.2.2.4 of the BAM. This is achieved through consideration of prescribed impacts, by applying Chapter 6 of the BAM 2020.</p>
<p>9.3 Impacts that do not need further assessment</p> <ol style="list-style-type: none"> <i>Areas within the subject land that do not contain native vegetation do not need to be assessed for ecosystem credits.</i> <i>Areas of land that do not contain native vegetation must still be assessed for threatened species habitat in accordance with Chapter 5 and prescribed biodiversity impacts in accordance with Chapter 6.</i> 	<p>Threatened species that (may) utilise exotic vegetation for habitat are assessed according to Chapter 6, not by application of Chapter 9.</p> <p>In the case of excluding exotic vegetation from the polygon for Myotis, this species may rely on exotic terrestrial vegetation for very occasional foraging, but that is assessed through consideration of prescribed impacts.</p>
BAM 2017	
<p>10.3.2 Impacts on threatened species</p> <p><i>10.3.2.1 The assessor is required to determine an offset for the impacts of development, clearing or impacts from the conferral of biodiversity certification on the habitat of threatened species assessed for ecosystem credits and associated with a PCT in a vegetation zone with a vegetation integrity score ≥ 17.</i></p> <p><i><u>10.3.2.2 An offset is not required for impacts on threatened species habitat where the vegetation integrity score is below that set out in Paragraph 10.3.2.1.</u></i></p> <p><i>10.3.2.3 The assessor is required to determine an offset for the potential threatened species impacted by the development, clearing or the conferral of biodiversity certification that require species credits, identified at Step 5 in Section 6.4.</i></p> <p><i>10.3.2.4 The offset requirement for impacts on threatened species and threatened species habitat is determined in accordance with Chapter 11.</i></p>	<p>Section 10.3.2.2 of the old (2017) BAM is relevant to the issue, and similar text appears to be absent in the BAM 2020.</p> <p>However, it is not clear that the intent of the BAM 2020 was to change this feature of the BAM. That is, in the BAM 2017, no calculation of species credits was required for a vegetation zone with a VI score less than 17.</p> <p>It was assumed this feature remained consistent under the BAM 2020 and was not known to be otherwise, nor to the knowledge of the authors communicated via a BOS update.</p>