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Attention: Jane Bai – Senior Project Engineer, ACEnergy Pty Ltd
Email: Jane.bai@acenergy.com.au
Subject: Biodiversity Assessment Summary - Battery Energy Storage System located at 120 Houghton Road, Yanco, NSW 2703 (Lot 516 and Lot 521 DP 751745)

Introduction

Habitat Environmental Services Pty Ltd (Habitat) have been engaged by ACEnergy to prepare a Biodiversity Development Assessment Report (BDAR) to support the development of a 250 Megawatt AC (MWAC) and 1,100 MW-hours Battery Energy Storage System (BESS) on lands located at 120 Houghton Road, Yanco NSW (Lots 516 and 521 DP 751745). Road upgrades will also be required at the Houghton-Hume Road intersection and the Houghton Road-Irrigation Way intersection.

The proposed development is for the purpose of electricity generating works and has an estimated development cost ('EDC') of more than \$30 million. Pursuant to Section 20 of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*, the proposed development is characterised as State Significant Development (SSD).

Field investigations to inform the BDAR were in accordance with the NSW Biodiversity Assessment Method or BAM (DPIE 2020a) during November 2023 and were completed in January 2024. In November 2024, the BDAR (Version 4.0, 29/11/24) was submitted to the Biodiversity Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) for review. A request for further information and updates to the BDAR were issued by BCS in January 2025. Key issues raised by BCS are as follows:

- The BOAMS case is not consistent with the information provided in the BDAR
- The exclusion of fauna candidate species is not sufficiently justified, and this may affect the credit obligation.
- The actions to mitigate and manage impacts require more detail.
- We require confirmation that all features and ancillary facilities of the proposal have been included in the development footprint.

The aim of this letter is to provide a summary of how each of the issues and recommendations provided by BCS have been addressed in the revised BDAR (Version 5.0, dated 10/02/25). A response to each of the BCS comments is provided in **Table 1**.

Table 1 Response Summary

BCS Comments	Response
The BOAMS case is inconsistent with the information provided in the BDAR - Update the BDAR to reflect the correct child case used for the assessment. - The BOAMs case must be finalized and submitted to BCS within 14 days of the BDAR being certified. If the BDAR relies on more than one case, all cases must be finalized and submitted within 14 days of certification. - Append the finalized BAM-C reports to the BDAR	The BDAR has been updated as follows: - The correct casefile number for the project is 00050848/BAAS18041/24/00053444. - The BDAR was finalized and certified on 10/02/25 when the amendments were completed. - The updated BAM-C reports have been finalized and presented in Appendix D of the BDAR
There is inconsistency between the spatial data provided to BCS, the BAM C and the BDAR. - It is unclear if all proposal features and ancillary facilities have been included in the development footprint and included in the assessment of potential impacts. For example, the road upgrades between the eastern and western portions of the development footprint and indicative fencing shown on Figure 4 have not been included in the development footprint or in the spatial data provided to BCS. - The patch size reported in Section 4.2.6 of the BDAR is 17 ha - Confirm the extent of the development footprint and any additional impacts associated with asset protection zones, site compounds and stockpile areas.	The BDAR has been updated as follows: - The development design mapping has been updated in consultation with the proponent and now includes only proposal features and ancillary structures associated with the proposed development. Note that Figure 3 in the previous version of the BDAR incorrectly indicated that road upgrades are to occur along the length of Houghton Road; however, this is incorrect. Road upgrades for the project are to be limited to the intersection of Houghton Road and Irrigation Way, and at the intersection of Houghton Road and the new access to the BESS Project Site. - The indicative fencing previously shown on Figure 3 in the BDAR represents existing fences within the Project Site rather than the proposed location of new fences to be constructed as part of the proposed development. As such, this feature has been removed from Figure 3 in the revised BDAR. - The extent of the Subject Land (Development Footprint) has been updated to include the Yanco Substation. - The patch size has been amended in the BAM-C as 17 ha. - In summary, all relevant features of the proposed development lie within the Subject Land (Development Footprint) as shown on Figures 3 and Figure 4.
Applying Category 1 exempt land in Stage One would make the assessment more reliable. Section 1.5 of the BAM established that biodiversity values are not assessed for native vegetation and loss of habitat on land consistent with category 1 exempt land within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>.	- Review of the Draft Native Vegetation Regulatory Map revealed that most of the native vegetation within the Study Area is identified as Category 2 Regulated Land and most areas containing non-native vegetation are predominantly mapped as Category 1 exempt land - The BDAR has been updated to include this information with reference to the <i>Local Land Services Act 2013</i> (See Section 2.2.3) and impacts requiring offsets (see Section 8.2).

BCS Comments	Response
The assessment of fauna candidates is not sufficient. Section 5.2 of the BAM sets out the requirements for further assessment of candidate species credit species. The assessor must justify the reasons for determining a candidate species credit species is unlikely to provide suitable habitat on the subject land. BCS consider the justification for excluding Koala (<i>Phascolarctos cinereus</i>) and Southern Myotis (<i>Myotis macropus</i>) to be inadequate given habitat constraints are present on the subject land and surrounding area.	The BDAR has been updated as follows: • Koala – It is noted that a low coverage of bushland is not a habitat constraint for this species. The likelihood of occurrence assessment for the Koala has been revised based on the recent record within bushland to the south of the Subject Land within the McCaughey’s Lagoon Reserve (Bionet Record dated 12/09/24): As stated in Section Due to the limited extent of native vegetation within the Subject Land and the extent of habitat fragmentation and degradation, there is limited potential to achieve positive environmental outcomes for the Koala via further avoidance or mitigation. As such, the provision of biodiversity offsets is proposed via assuming presence for the Koala within Vegetation Zones 01 and 02. The BAM-C has been updated accordingly with this approach. • Sothern Myotis – It is noted that the absence of hollow-bearing trees is not a habitat constraint for the Southern Myotis. Due to the general lack of natural waterways within or adjacent to the Subject Land, there is limited potential to achieve positive environmental outcomes for the Southern Myotis via further avoidance or mitigation (such as via habitat improvement). As such, the provision of biodiversity offsets is via assuming presence of the species. A 200m buffer has been applied to all mapped waterways within 200m of the Subject Land to determine the commensurate offset (see Figure 10). The BAM-C has been updated accordingly with this approach. • Superb Parrot – An impact assessment for this species has been included in Appendix F of the BDAR. This assessment addressed each of the EPBC Significant Impact Criteria. • The BAM-C has been updated with reference to all candidate threatened species for which the habitats within the Subject Land are degraded.
The mitigation and management of impacts needs to be more specific and measurable. There is currently insufficient detail regarding the frequency, timing, techniques and responsibility of implementing mitigation measures identified in Table 11 of the BDAR and Section 6.1.4 of the EIS. All mitigation measures should follow the SMART principles (specific, achievable, relevant, and time bound) and be detailed in the BDAR. In line with section 8.4 of the BAM, the proponent should detail measures upfront in the BDAR and defer this step until they prepare post approval management plans.	The BDAR has been updated as follows: • Further information has been included in the mitigation measures table in the BDAR with the aim of clarifying the frequency, timing, techniques and responsibility of implementing each measure. Performance targets have been included for appropriate actions.

BCS Comments	Response
The ecosystem credit classes required to offset the impacts from development must be identified in the BDAR. Table 13 in the BDAR lacks sufficient information to ensure appropriate credits are retired. To safeguard retirement of the necessary credits and ensure the conditions identify the appropriate Biodiversity Offset Scheme trading groups, the BDAR must list the Plant Community Types that can be used to offset required ecosystem credits. The BAM-C lists this group as like for like options in Tab 8, and the BAM Credit Report (like for Like lists them as Like-for-like credit retirement options. Table 13 of the BDAR should include relevant lists for each ecosystem credit required.	The BDAR has been updated as follows: • This information has been added to the BDAR (below Table 13).

Closing

Please get in touch at your earliest convenience if you require further details or have any questions regarding the assessment.

Yours sincerely,



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