



Our ref: DOC26/337027-6

Your ref: SSD-76008209

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

7 July 2026

Subject: Comet Park Battery Energy Storage System (SSD-76008209)

Dear Ms Ramsdale,

Thank you for your Major Projects Portal request dated 15 June 2026 seeking advice from the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the State significant development (SSD) application for the Comet Park Battery Energy Storage System (BESS), Yanco (SSD-76008209).

As of 1 July 2026, the Development Coordination Authority (DCA) became fully operational. Its primary role is to act as a single point of contact for NSW Government technical and statutory inputs into the planning and development system. Biodiversity is one of the DCA's core technical areas, with some of the previous roles and responsibilities undertaken by CPHR having transferred to the DCA – Biodiversity Advisory.

Biodiversity Advisory has reviewed the Environmental Impact Statement (EIS) and the relevant accompanying technical reports in accordance with the Secretary's Environmental Assessment Requirements (SEARs) dated 14 October 2024.

The project is for the construction and operation of a 150 MW / 650 MWh BESS and associated infrastructure, including transmission lines, permanent switch rooms, a control building, operations and maintenance (O&M) facilities, a site office, internal roads, parking areas, hardstand, security fencing, and project signage. The Project is located near Yanco in the Leeton Local Government Area (LGA).

We consider that the EIS does **not** currently meet the Secretary's requirements for biodiversity. The Biodiversity Development Assessment Report (BDAR) can be finalised once the pre-determination issues identified in **Attachment 1 and 3** are addressed by the applicant.

In summary, our key issues are as follows:

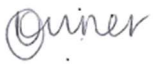
- Land categorisation – the basis for excluding approximately 6.88 hectares from BAM assessment as Category 1-exempt land is not adequately substantiated and may affect the area requiring assessment and the resulting credit obligation.

- Threatened fauna survey adequacy – the nocturnal owls (Barking Owl and Masked Owl) were not surveyed in accordance with the relevant survey guidelines, so the species-credit obligation may be understated.
- Serious and Irreversible Impacts (SAIL) – the Box-Gum Woodland critically endangered ecological community and Sloane’s Froglet are SAIL candidates; on the information currently available the impacts are considered unlikely to be serious and irreversible.

A summary of our key assessment advice is provided in **Attachment 1**. Detailed comments are provided in **Attachments 2 and 3**.

If you have any questions regarding advice on biodiversity matters, please contact Technical Resource Management at technical.advisory@dphi.nsw.gov.au.

Yours sincerely,



Nicky Owner
Team Leader Planning
Technical Advisory – Biodiversity

Enclosure:

Attachment 1 – DCA Key Assessment Issues – Comet Park BESS (SSD-76008209)
Attachment 2 – Serious and Irreversible Impacts – Advice on SAIL Entities
Attachment 3 – DCA Detailed Comments for Comet Park BESS (SSD-76008209)

Attachment 1 - DCA Key Assessment Issues – Comet Park BESS (SSD-76008209)

Key Assessment Issues

DCA – Biodiversity Advisory provides the following comments on the proposed development.

Item		DCA – Biodiversity Advisory comment
1	Land categorisation – Category 1-exempt land	The BDAR excludes approximately 6.88 hectares from being assessed in accordance with the Biodiversity Assessment Method (BAM) on the basis that it is mapped as Category 1-exempt land on the Draft Native Vegetation Regulatory Map, with claims the categorisation is supported by field observations. However, the supporting Australian Ecological Planning (AEP) vegetation integrity plot data observed in this area were not available at the time of writing. As such, the lack of detailed, evidence-based documentation does not allow Biodiversity Advisory's confirmation the area meets the criteria for Category 1-exempt land. This confirmation is considered appropriate, given the occurrence of Box-Gum Woodland Critically Endangered Ecological Community (CEEC) in derived native grassland form in Vegetation Zone 3, which occurs adjacent to the Category 1 exempt lands. The proximity of confirmed Box-Gum derived grassland raises the strong potential that parts of the excluded area may also represent the derived grassland component of this CEEC (or otherwise qualify as Category 2-regulated or Category 2-sensitive regulated land). Recent or ongoing cattle grazing on the site further complicates the assessment, as it can suppress native species diversity and cover, potentially masking higher conservation value and affecting the reliability of condition assessments. Recommended action: <i>The assessor to provide the documented site-based floristic assessment in accordance with the Interim Grasslands and other Groundcover Assessment Method (IGGAM), or another appropriate assessment method, confirming low conservation value grassland and the absence of the Box-Gum Woodland CEEC (or any other CEEC/critically endangered species) across the Category 1-exempt land area. The assessment is to be included within the BDAR in accordance with the DPE Determining native vegetation land categorisation guideline (2023). Where evidence is insufficient or uncertainty remains, a precautionary approach should be taken by assuming the presence of Category 2-regulated land and assessing that land in accordance with the BAM.</i>
	Extent and Timing	Pre-determination

Item	DCA – Biodiversity Advisory comment
2 <i>Threatened species survey adequacy – nocturnal owls</i>	Barking Owl and Masked Owl are recorded as "No (surveyed)" in the finalised BAM Calculator (Table 5.2), but the only survey effort was daytime observation of hollow use over three days by a single observer. This does not meet the targeted-survey requirements for threatened owls under the Threatened Biodiversity Data Collection (and as now set out in the Hollow-dependent Birds survey guide, published in June 2026), which require targeted nocturnal call playback or acoustic recording (song-meter). Suitable habitat is present, including at least one large hollow-bearing tree, as stated in the BAM-C habitat constraint for both species. The absence of adequate targeted survey, presence or absence cannot be established, and as such the "No (surveyed)" determination is not supported. The consequence being the species-credit obligation for both candidate species credit species may be understated. Targeted surveys must be undertaken in accordance with TBDC / survey guidelines for both species. Alternatively, both species can either be assumed present, or assessed by a suitable BAM expert. Recommended action: <i>The assessor should either:</i> <i>a) Undertake additional targeted surveys for Barking Owl and Masked Owl in accordance with the TBDC / Hollow-dependent Birds survey guidelines, and submit the updated survey results, revised BDAR, and re-run BAM-C, OR</i> <i>b) assume both species present, re-run the BAM-C to calculate the additional species credits required, and update all relevant sections of the BDAR accordingly.</i> <i>c) seek the preparation of an expert report in relation to the Barking and Masked Owls and species credits calculated accordingly.</i>
Extent and Timing	Pre-determination

Attachment 2 – Serious and Irreversible Impacts – Advice on SAI Entities

SAI Entity: White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) CEEC; and Sloane’s Froglet (*Crinia sloanei*)

Item	Steps	DCA – Biodiversity Advisory recommendations
1	Identify relevant entities at risk of SAI	DCA agrees with the two SAI candidate entities identified by the accredited assessor in the BAM Calculator, being the Box-Gum Woodland CEEC (BC Act – critically endangered) and Sloane’s Froglet (<i>Crinia sloanei</i>) (BC Act and EPBC Act – endangered) – assumed present. A BioNet and Threatened Biodiversity Data Collection (TBDC) review did not identify additional SAI entities requiring assessment for the impact footprint.
2	Evaluation of the current extinction risk of the impacted entities	Box-Gum Woodland is a CEEC that has been extensively cleared (PCT 74 is approximately 73% cleared) and is very poorly represented in conservation reserves; it is associated with the SAI principles of reduced geographic distribution and ongoing decline. Sloane’s Froglet is in decline across its Riverina range, with much of the TBDC information noted as data deficient. The accredited assessor evaluated current extinction risk against the four principles using BOS Helpdesk data; DCA considers this evaluation adequate.
3	Detail measures taken to avoid impacts on the entity	The assessor documented an iterative avoid-and-minimise process: siting the development largely on Category 1 / poorest-condition land, retaining a large hollow-bearing Yellow Box where practicable, redesigning the River Road access to avoid road-corridor trees, buffering retained trees, and considering alternative powerline alignments. DCA considers the avoidance and minimisation measures generally appropriate for a small, highly modified site, noting that a residual impact of 1.67 hectares of the CEEC remains.
4	Evaluate the impacts from the proposal	The proposal directly impacts 1.67 hectares of the Box-Gum Woodland CEEC (0.06 hectares moderate condition and 1.61 hectares derived/poor condition) – approximately 0.15% of the community mapped within 10 kilometres – and 1.67 hectares of assumed Sloane’s Froglet habitat. The residual impact is small in absolute and relative terms and is to be offset. On the information provided, the proposal is not considered to materially increase the extinction risk of either entity. This conclusion is contingent on resolution of the Category 1 land-categorisation issue (Attachment 1), which could increase the area of CEEC requiring assessment.

Item	Steps	DCA – Biodiversity Advisory recommendations
5	Provide advice on whether the proposal is likely or unlikely to result in SAIL	On the information currently available, DCA considers the impacts on both the Box-Gum Woodland CEEC and Sloane's Froglet are unlikely to be serious and irreversible, subject to the pre-determination issues in Attachment 1 being addressed. DCA notes that it is the decision-maker's role to determine SAIL. This recommendation is not intended to fetter that function, and it is open to the decision-maker to depart from it provided the decision is otherwise lawful.

Other Recommendations / Comments

1	Resolve the Category 1 land categorisation (Attachment 1) prior to determination, as this may change the area of CEEC assessed and the credit obligation.	
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Attachment 3 – DCA Biodiversity Advisory - Detailed Comments for Comet Park BESS (SSD-76008209)

The Biodiversity Development Assessment Report (BDAR) at Appendix 6 of the EIS does **not** currently meet the Secretary's requirements for biodiversity. Specific comments on the BDAR and related sections of the EIS are set out below.

Biodiversity Development Assessment Report and Environmental Impact Statement

Land categorisation – Category 1-exempt land requires further assessment

The BDAR excludes approximately 6.88 hectares from being assessed in accordance with the Biodiversity Assessment Method (BAM) on the basis that it is mapped as Category 1-exempt land on the Draft Native Vegetation Regulatory Map, with claims the categorisation is supported by field observations. However, the supporting Australian Ecological Planning (AEP) vegetation integrity plot data observed in this area were not available at the time of writing. As such, the lack of detailed, evidence-based documentation does not allow Biodiversity Advisory's confirmation the area meets the criteria for Category 1-exempt land. This confirmation is considered appropriate, given the occurrence of Box-Gum Woodland Critically Endangered Ecological Community (CEEC) in derived native grassland form in Vegetation Zone 3, which occurs adjacent to the Category 1 exempt lands.

The proximity of confirmed Box-Gum derived grassland raises the strong potential that parts of the excluded area may also represent the derived grassland component of this CEEC (or otherwise qualify as Category 2-regulated or Category 2-sensitive regulated land). Recent or ongoing cattle grazing on the site further complicates the assessment, as it can suppress native species diversity and cover, potentially masking higher conservation value and affecting the reliability of condition assessments.

To justify the Category 1 designation, it is recommended that the assessor complete a land categorisation assessment in accordance with *Determining native vegetation land categorisation for application in the Biodiversity Offsets Scheme* guideline (DPE, 2023) and the *Interim Grasslands and other Groundcover Assessment Method* (IGGAM) or other appropriate assessment method). This should include:

- a documented site-based floristic assessment, with plot/transect/quadrat data (GPS locations, species lists, percentage native and exotic cover, photographs and survey dates) demonstrating the absence of the Box-Gum Woodland CEEC (and any other CEEC or critically endangered plant species) and confirming low conservation value grassland across the excluded area;
- application of the IGGAM to the grassland/groundcover, with the resulting Groundcover Assessment Report and supporting plot data included in the BDAR;
- assessment against the "significantly disturbed or modified" test in clause 114 of the *Local Land Services Regulation 2014*, noting that the variation must be consistent with agricultural pasture or crop management and not caused only by grazing; and
- grazing history (stocking rates, intensity, duration and timing relative to the surveys), with justification for how any recent grazing effects were accounted for (IGGAM is best applied after a period of rest from heavy grazing so that condition is representative).

Where the evidence is insufficient or material uncertainty remains, a precautionary approach should be taken by defaulting the area to Category 2-regulated land and assessing it in full under the BAM.

Recommended actions:

1. The assessor must provide the documented site-based floristic assessment in accordance with the Interim Grasslands and other Groundcover Assessment Method (IGGAM), confirming low conservation

value grassland and the absence of the Box-Gum Woodland CEEC (or any other CEEC/critically endangered species) across the Category 1-exempt land area. The assessment must be provided in the BDAR in accordance with the DPE Determining native vegetation land categorisation guideline (2023). Where evidence is insufficient or uncertainty remains, apply the precautionary approach by defaulting the Category 1-exempt land to Category 2-regulated land and fully assessing it under the BAM.

PCT 251 justification inconsistency

Section 4.2.2.3 accepts PCT 251 for Vegetation Zone 1 partly on the basis that the BioNet Vegetation Classification records it as occurring in the Riverina Bioregion / Murrumbidgee subregion. Section 4.2.3.3, however, rejects PCT 251 for the PCT 74 zones because it is "not described as occurring in the Leeton LGA". As the subject land lies within the Leeton LGA (Section 1.1.2) and the Riverina Bioregion / Murrumbidgee subregion, the two sections apply contradictory reasoning to the same PCT. This undermines the reliability of the PCT mapping and PCT justification.

Recommended actions:

2. Reconcile the reasoning for PCT 251 between Sections 4.2.2.3 and 4.2.3.3 and provide a single, evidence-based justification for the PCT assignment of Vegetation Zone 1, consistent with the BioNet Vegetation Classification and BAM requirements. Update the affected figures, tables and text, and re-run the BAM-C if the PCT or vegetation zone outcomes change.

Threatened flora survey – parallel traverse locations not provided

The GIS files uploaded to the BAM-C / BOS Portal did not include the spatial locations of the threatened flora parallel traverses. Under BAM 2020, Appendix K – GIS Data Requirements, spatial data supporting all field surveys must be provided. This includes the locations of targeted threatened species searches and survey traverses (including parallel traverses) to enable verification of survey adequacy, coverage, and effort.

Recommended actions:

3. The assessor must provide the spatial locations of all threatened flora parallel traverses as GIS shapefiles uploaded to the BAM-C / BOS Portal, consistent with the GIS data requirements of BAM (Appendix K).

Threatened species survey adequacy – threatened owls

The finalised BAM-C records both Barking Owl (*Ninox connivens*) and Masked Owl (*Tyto novaehollandiae*) as "No (surveyed)" (Table 5.2). However, the only survey effort described in BDAR Table 16 and Section 5.3 is daytime observation of hollow use over three days by a single observer. This does not meet the targeted survey requirements for hollow-dependent nocturnal birds (previously in the Threatened Biodiversity Data Collection (TBDC) and now published in the *Hollow-dependent Birds* survey guide), which require targeted survey methods such as call playback or acoustic recording (song-meter).

Suitable habitat is present on the subject land, including at least one large hollow-bearing Yellow Box (*Eucalyptus melliodora*) that the BAM-C explicitly records as a habitat constraint for both species. In the absence of adequate targeted survey, presence or absence cannot be determined, and the "No (surveyed)" determination in the BAM-C and BDAR is not adequately supported. This represents a deficiency in the assessment of candidate species credit species. Targeted surveys must be undertaken in accordance with TBDC / survey guidelines for both species or both species must be assumed present and accounted for as candidate species requiring species credit obligations.

Recommended actions:

4. The assessor should either:
 - a) Undertake additional targeted surveys for Barking Owl and Masked Owl in accordance with the TBDC / Hollow-dependent Birds survey guidelines, and submit the updated survey results, revised BDAR, and re-run BAM-C, OR

- b) assume both species present, re-run the BAM-C to calculate the additional species credits required, and update all relevant sections of the BDAR accordingly.
- c) seek the preparation of an expert report in relation to the Barking and Masked Owls and species credits calculated accordingly.

Sloane's Froglet missing from BDAR Table 16

The finalised BAM-C and BDAR Table 14 record Sloane's Froglet (*Crinia sloanei*) as "assumed present", but the species is absent from BDAR Table 16. Table 16 of the BDAR requires to be updated to reflect the status of Sloane's Froglet assumed presence to match the BAM-C.

Recommended actions:

- 5. Update BDAR Table 16 (and any related text in Section 5) to record Sloane's Froglet as assumed present, consistent with the BAM-C and Table 14.

Southern Myotis presence status inconsistency

The finalised BAM-C records Southern Myotis (*Myotis macropus*) as "Yes (surveyed)", confirming detection during targeted survey, and this is consistent with the BDAR Summary, Table 14 and Section 5.6. BDAR Table 16, however, records the species as "assumed present – results pending device collection". This discrepancy creates inconsistency between the BDAR text and the BAM-C. Southern Myotis is a listed species credit species, and accurate recording of its status is required for transparency and compliance with BAM requirements for determining presence (BAM 5.2.4 and 5.3).

Recommended actions:

- 6. Update BDAR Table 16 (and any related text in Section 5) to record Southern Myotis as detected / surveyed-present, consistent with the BAM-C, Table 14 and Section 5.6, and confirm that the detector data have been collected and provided within BDAR.

Native vegetation cover percentage discrepancy

Native vegetation cover in the assessment area is reported inconsistently across the BDAR: 10.2% in Table 3, 11% in Section 3.3 text, and 15% in the BAM-C. Although the class band (>10–30%) remains unchanged, this discrepancy should be resolved for internal consistency.

Recommended actions:

- 7. Reconcile the native vegetation cover percentage across BDAR Table 3, Section 3.3 and the BAM-C; confirm the correct figure and its basis (consistent with the supplied GIS shapefiles); update the relevant sections; and re-issue the BAM-C output with the revised BDAR.

Silky Swainson-pea species name inconsistency

The scientific name for Silky Swainson-pea is applied inconsistently in the BDAR: Tables E2, 13, 19, 32 and 34 use *Swainsona recta*, while Tables 11 and 15 and the finalised BAM-C use *Swainsona sericea*. *Swainsona recta* (Small Purple-pea) and *Swainsona sericea* (Silky Swainson-pea) are different threatened species with different listing statuses (*S. recta* is listed as endangered under both the BC Act and the EPBC Act, whereas *S. sericea* is listed as vulnerable under the BC Act). The BDAR therefore refers to two different species, creating doubt about which species was assessed and offset. The BAM-C species-credit obligation (2 credits) is for *S. sericea*.

Recommended action:

- 8. Correct all references in the BDAR (including Tables E2, 13, 19, 32 and 34) to *Swainsona sericea* (Silky Swainson-pea), consistent with the BAM-C, and confirm that the habitat assessment, species polygon and 2-credit obligation relate to *S. sericea*.

Environmental Impact Statement – biodiversity (EIS biodiversity chapter)

The biodiversity sections and figures of the EIS rely on the BDAR. Once the BDAR and BAM-C are revised to address the matters in Attachment 1 and above, the corresponding EIS text, figures and credit summary should be updated for consistency.

Recommended actions:

9. Update the EIS biodiversity chapter, figures and credit summary to reflect the revised BDAR and BAM-C.