

Nestor Tsambos
Senior Environmental Assessment Officer
Department of Planning and Environment

Our ref: DOC23/19178
Your ref: SSD-23368211

Via Major Projects Portal: PAE-53390707
8 February 2023

Dear Mr Tsambos

Subject: Environmental Impact Statement – Coleambally Battery Energy Storage System (SSD-23368211)

Thank you for your email dated 12 January 2023 about the Coleambally Battery Energy Storage System (SSD-23368211) seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment (the Department) about the Environmental Impact Statement (EIS) exhibited 13 January 2023.

We have reviewed the EIS exhibited on the Major Projects Portal against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department to the proponent on 27 August 2021.

BCD considers that the EIS does meet the Secretary's requirements for flooding. However, BCD considers that revision of the EIS would be required to ensure the Secretary's requirements for biodiversity are met.

BCD has identified instances where the Biodiversity Assessment Method (BAM) has not been applied consistently and where the assessment does not meet the requirements of the BAM. While these matters are unlikely to impact the final credit obligation, they may impact the development of the Biodiversity Management Plan and the proponent's ability to mitigate project impacts.

The aspects relating to the application of the BAM and the assessment include:

- prescribed impacts require further detail and consistency across BAM Stage 1 and 2
- mitigation measures require further detail and documentation.

A summary of these issues and recommended actions on biodiversity is provided in **Attachment A**. Detailed comments and advice is provided in **Attachment B**.

All plans required as a Condition of Approval that relate to biodiversity or flooding should be developed in consultation and to the satisfaction of BCD, to ensure that issues identified in this submission are adequately addressed.

If you have any questions about this advice, please contact Leigh Maloney, Senior Conservation Planning Officer, via rog.southwest@environment.nsw.gov.au or 02 6983 4911.

Yours sincerely



Andrew Fisher
Senior Team Leader Planning
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Biodiversity and Conservation Division
Department of Planning and Environment

ATTACHMENT A – BCD assessment summary for Coleambally Battery Energy Storage System Environmental Impact Statement (SSD-23368211)

ATTACHMENT B – Detailed comments for Coleambally Battery Energy Storage System Environmental Impact Statement (SSD-23368211)

ATTACHMENT A BCD assessment summary for Coleambally Battery Energy Storage System Environmental Impact Statement (SSD-23368211)

BAM	Biodiversity Assessment Method
BAM-C	Biodiversity Assessment Method Calculator
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division, Department of Planning and Environment
BCF	Biodiversity Conservation Fund
BCT	Biodiversity Conservation Trust
BDAR	Biodiversity Development Assessment Report
BESS	Battery Energy Storage System
EIS	Environmental Impact Statement
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
PCT	Plant Community Type
RTS	Response to Submissions
TEC	Threatened Ecological Community

Summary of issues and recommendations to be addressed prior to determination

1. Identification, assessment and mitigation of prescribed impacts requires review
 - 1.1 Review section 4.3 of the BDAR in accordance with Stage 1 and section 6 of the BAM to ensure all species and the potential habitat features they rely on are identified.
 - 1.2 Review section 7.3 of the BDAR in accordance with Stage 2, section 8.3 of the BAM to ensure consistency with species identified in Stage 1.
2. Use targeted flora surveys to refine assumed presence
 - 2.1 Where possible, complete targeted surveys for assumed presence species credit species during the RTS period and recalculate the credit obligation if required.
 - 2.2 Contact the BCT to obtain a Charge Quote through the BCF Charge System to assist with determining and credit payments into the BCF for ecosystem and species credit species.
3. Mitigation measures require specific detail
 - 3.1 Detail the mitigation measures being relied upon to mitigate impacts, consistent with the BAM Stage 2 Operational Manual.
4. TEC determinations require more detail for BC Act and EPBC Act listings
 - 4.1 Prepare a table of TECs within the subject land as per section 4.3 and Table 5 of the BDAR template.
 - 4.2 Update Table 3-3 of the BDAR to include additional determination information for alignment with TECs using section 4.2.2.4 and 4.2.2.5 of the BDAR template as a guide.
5. Avoid and minimise measures need to be biodiversity specific
 - 5.1 Update the avoid and minimise section 6 of the BDAR to provide a greater focus on how the avoid and minimise measures apply to biodiversity.
6. Landscape assessment requires review
 - 6.1 Update landscape assessment buffers to include both site based and linear buffers and review percent native vegetation categories at completion.

7. Category 1 land mapping requires clarification

- 7.1 Update Figure 3-1 and Figure 3-5 to include Category 1 land in the map and legend for clarity.
- 7.2 Update section 3.1 and Appendix A to include a reference to the BCD endorsement of the outcomes of the Category 1 land assessment.

8. Administration

- 8.1 Ensure the BDAR is certified by the accredited assessor within 14 days of the related case being finalised and credit reports provided from BOAMS.
- 8.2 Provide a checklist of requirements against Appendix K of the BAM

ATTACHMENT B Detailed comments for Coleambally Battery Energy Storage System Environmental Impact Statement (SSD-23368211)

Flooding

BCD has reviewed the flooding component in Section 7 of the EIS. The EIS does address the Secretary's requirements for flooding.

BCD note that the statement on page 188 of the EIS is incorrect and while the risk of flooding is low, the development site is not mapped as flood prone in the Murrumbidgee Local Environmental Plan 2013 as no flood studies have been done that cover the development site.

Future assessments that are low flood risk should include a qualitative assessment of flooding to justify why a flooding assessment is not needed.

Biodiversity

The BDAR at Appendix G requires some revision to meet the Secretary's requirements for biodiversity. Specific comments on the BDAR and related sections in the EIS are detailed below.

1. Identification, assessment and mitigation of prescribed impacts requires review

The list of threatened entities that may be dependent on or use prescribed impact habitat features such as non-native vegetation is under-represented. The list of entities broadly encompasses ecosystem credit species in Table 4-7 of the BDAR and differs from those outlined in Table 7-5 of the BDAR. Species including the Superb Parrot which was recorded in the subject land is known to feed on the ground in both native and non-native vegetation (Webster 1988¹) and is prone to vehicle strike (DAWE 2021²). This species has not been identified in Table 4-7 and no published literature or other reliable resources have been used to justify excluding this species or other potentially impacted species in accordance with section 6 of the BAM.

Where prescribed impacts are identified within section 4.3 of the BDAR, no assessment of the life cycle or movement patterns for any of the identified species has been presented in Table 4-7. The corresponding prescribed impacts map in Figure 7-2 shows vehicle impact areas only; no other prescribed impacts have been mapped.

Prescribed impact mitigation

Table 9-1 provides proposed mitigation measures for prescribed impacts. While the proposed measures are generally appropriate for the development, they lack the detail and commitment required to ensure the actions will be effective. For example, vehicle strike impacts are considered likely to occur regularly and the risk of failure is moderate resulting in a decrease to local fauna populations. The BDAR must fully describe the mitigation measures required (not proposed) to reduce residual prescribed impacts to ecosystem and species credit entities. Where adaptive management is proposed, the BDAR must identify triggers and appropriate adaptive management actions. While section 9.1.4 of the BDAR outlines that adaptive management would be developed as part of the Construction Environmental Management Plans for the development, this is not consistent with BAM Stage 2 Operational Manual. Instead, mitigation measures and adaptive management measures relied upon to reduce residual impacts must be identified in the BDAR.

Recommended actions:

- 1.1 Review section 4.3 of the BDAR in accordance with Stage 1 and section 6 of the BAM to ensure all species and the potential habitat features they rely on are identified.

¹ Webster, R. 1988. *The Superb Parrot. A Survey of Breeding Distribution and Habitat Requirements*. Australian National Parks and Wildlife Service, Canberra.

² DAWE 2021. *National Recovery Plan for the Superb Parrot (Polytelis swainsonii)*, Commonwealth of Australia 2021.

- 1.2 Review section 7.3 of the BDAR in accordance with Stage 2, section 8.3 of the BAM to ensure consistency with species identified in Stage 1.

2. Use targeted flora surveys to refine assumed presence

BCD supports the assumed presence approach for threatened flora species where surveys could not be completed in associated PCTs in the appropriate survey month. However, should the RTS period coincide with appropriate survey months and seasonal conditions for the assumed presence flora species, BCD recommend that targeted surveys should be completed, and the credit obligation recalculated if necessary.

We note that in section 12 of the BDAR, the proponent is likely to pay into the Biodiversity Conservation Fund (BCF) to meet their credit obligation. BCD recommends the proponent contact the Biodiversity Conservation Trust (BCT) to request a Charge Quote through the BCF Charge System, as previous credit prices prior to the implementation of the BCF Charge System in October 2022 are unlikely to be comparable.

Recommended actions:

- 2.1 Where possible, complete targeted surveys for assumed presence species credit species during the RTS period and recalculate the credit obligation if required.
- 2.2 Contact the BCT to obtain a Charge Quote through the BCF Charge System to assist with determining and credit payments to the BCF for ecosystem and species credit species.

3. Mitigation measures require specific detail

Mitigation measures must be specified in the BDAR as per BAM Stage 2 Operational Manual and cannot be delayed to post-approval plans that have not yet been written.

The BAM Operational Manual - Stage 2 includes guidance about the level of detail that is expected for a BDAR to minimise impacts that cannot be avoided and includes examples of reasonable measures to minimise impacts. For all remaining impacts, mitigation strategies need to be implemented. While the BDAR does include some measures from section 8.4 of the BAM, it does not provide the level of detail required for BCD to be confident that all measures would be implemented appropriately. Mitigation measures cannot rely on unspecified actions in post-approval plans.

Recommended actions:

- 3.1 Detail the mitigation measures being relied upon to mitigate impacts, consistent with the BAM Stage 2 Operational Manual.

4. TEC determinations require more detail for BC Act and EPBC Act listings

Section 3.4.1 of the BDAR outlines the vegetation zone and survey effort. It also briefly outlines that parts of PCT 26 form part of the Weeping Myall TEC under the BC Act and EPBC Act (Table 5-1). However, there has been no detailed assessment of the TEC equivalency with PCTs in the subject land with reference to the TEC determinations, including indicative species within each vegetation zone. Figure 3-4 maps the location of the EPBC and BC Act Weeping Myall TEC, however, it is unclear if some of these vegetation zones are both BC Act and EPBC forms of the community, or whether they only meet the requirements under one Act.

Recommended actions:

- 4.1 Prepare a table of TECs within the subject land consistent with section 4.3 and Table 5 of the BDAR template.

- 4.2 Update Table 3-3 of the BDAR to include additional determination information for alignment with TECs using section 4.2.2.4 and 4.2.2.5 of the BDAR template as a guide.

5. Avoid and minimise measures need to be biodiversity specific

BCD recognises that the development occurs mostly on category 1 land and that the development footprint has reduced direct impacts to native vegetation from 6.45 hectares to 5.18 hectares. However, the avoid and minimise section 6 of the BDAR presents a generalised approach rather than a specific focus on how the avoid and minimise measures apply to biodiversity.

Recommended actions:

- 5.1 Update the avoid and minimise section 6 of the BDAR to provide a greater focus on how the avoid and minimise measures apply to biodiversity.

6. Landscape assessment requires review

Section 2.2 and Figure 2-2 of the BDAR state that the project is site based, that a 1500 metre buffer has been applied to all project components and that the project has been entered as a site based project in the BAM-C. However, it is evident that the project includes components that are both site based and linear in nature. The application of the site based 1500 metre buffer to all project components does not accurately reflect the native vegetation cover for the linear based components of the project, such as access tracks and transmission line easements. Most of these ancillary facilities are linear in nature and a 500-metre linear buffer for the landscape assessment should be applied to these facilities. The site and linear based calculations should be combined and included as part of the total percentage native vegetation for the BAM-C case. For those parts of the project that are linear based, such as access tracks and transmission lines, the 500 metre buffer should be applied, but the site based assessment should be retained as one case in the BAM-C (rather than a linear case).

Recommended actions:

- 6.1 Update landscape assessment buffers to include both site based and linear buffers and review percent native vegetation categories at completion.

7. Category 1 land mapping requires clarification

Section 3.1, 3.2 and Appendix A outlines the approach and outcomes of the Land categorisation assessment. It is not clear from Figure 3-1 which parts of the development footprint and native vegetation extent have been mapped as category 1 land. We note that BCD endorsed the Category 1 land assessment on 19 August 2021 but this is not recorded in the BDAR.

Recommended actions:

- 7.1 Update Figure 3-1 and Figure 3-5 to include Category 1 land in the map and legend for clarity.
- 7.2 Update section 3.1 and Appendix A to include a reference to the BCD endorsement of the outcomes of the Category 1 land assessment.

8. Administration

The BDAR does not meet certification requirements of the BAM

Certification of the BDAR is not current. The related case in BOAMS was finalised on 17 January 2023. However, the signed accredited assessor declaration at the front of the BDAR (no page

number) is dated 18 November 2022, which is outside the required 14 days for certification and finalisation of the BOAMS case.

Compliance with Appendix K of the BAM has not been provided.

A checklist to ensure compliance with Appendix K of the BAM has not been provided and cannot be assessed against the BDAR. Following the BDAR template will assist in ensuring requirements are met, and that there is continuity between BAM Stage 1 and Stage 2 assessment of impacts.

Recommended actions:

- 8.1 Ensure the BDAR is certified by the accredited assessor within 14 days of the related case being finalised and credit reports provided from BOAMS.
- 8.2 Provide a checklist of requirements against Appendix K of the BAM.