



Our ref: DOC24/656126

Your ref: SSD-50587460

Ms Samantha Oyston
Senior Environmental Assessment Officer
Energy Assessments
Department of Planning, Housing and Infrastructure
samantha.oyston@dpie.nsw.gov.au

Dear Samantha

Panorama Battery Energy Storage System (SSD-50587460) EIS exhibition

Thank you for your request via the NSW Planning Portal dated 19 July 2024 to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) inviting comments on Panorama Battery Energy Storage System (BESS) Environmental Impact Statement (EIS).

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) provides that applications for state significant development are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. Where that determination is made, a 'BDAR waiver'¹ may be granted.

We previously assessed a BDAR waiver application (dated 22 March 2023) for the Panorama BESS. We determined that the proposed development was not likely to have any significant impact on biodiversity values and therefore preparation of a BDAR would not be required (DOC23/278448 dated 11 April 2023).

Appendix G of the exhibited EIS provides:

- a copy of the BDAR waiver application dated 22 March 2023
- a letter granting a BDAR waiver signed by the former Department of Planning and Environment (Director Energy Assessments) dated 21 April 2023.

If the proposed development were amended so that it is no longer the same as described in Schedule 1 of the BDAR waiver determination, the applicant would need to lodge a new waiver request or prepare a BDAR.

As confirmed with Erica Baigent on 31 July 2024, there has been no change to the proposal since the BDAR waiver was granted and that your request was sent to BCS in error.

We confirm that if the proposed development remains consistent with Schedule 1 of the BDAR waiver determination, our previous BDAR waiver letter dated 11 April 2023 (our ref DOC23/2738448) remains valid and no further assessment by BCS is required.

¹ <https://www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/clear-and-develop-land/biodiversity-development-assessment-waiver>

If you have any questions about this advice, please do not hesitate to contact Erica Baigent, Senior Conservation Planning Officer, via erica.baigent@environment.nsw.gov.au or (02) 6883 5311.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Carr'.

Sarah Carr

Director North West

Biodiversity, Conservation and Science

14 August 2024