



Our ref: DOC24/741497
Your ref: SSD-61460977

Megan Ramsdale
Planning Officer
Department of Planning, Housing and Infrastructure
megan.ramsdale@planning.nsw.gov.au

Dear Megan

BCS Response to Beryl Battery Energy Storage System – SSD-61460977 – EIS Exhibition

Thank you for your request via the NSW Planning Portal dated 26 August 2024 to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEE) inviting comments on the Environmental Impact Statement (EIS) for the Beryl Battery Energy Storage System.

BCS has reviewed the Environmental Impact Statement and Biodiversity Development Assessment Report (BDAR) and considers that the BDAR is likely to underestimate the biodiversity impacts of the proposal and is therefore not compliant with the Biodiversity Assessment Method.

Priority issues identified during our review are:

- Provide justification of suitability of targeted survey for *Prasophyllum sp. Wybong* outside of the survey window in consultation with BCS. Otherwise further targeted survey, obtaining an expert report, or assuming presence of the species is required.
- More detailed analysis of the *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* Critically Endangered Ecological Community (Box Gum Woodland CEEC) to determine presence. If present, then an assessment of Serious and Irreversible Impacts (SII) would also be required.
- More detailed analysis of prescribed impacts identified in the BDAR is required.

We recommend that the Department of Planning, Housing and Infrastructure (DPHI) requests an updated BDAR that incorporates all the recommendations listed in **Attachment A**. The updated BDAR should be provided with the Response to Submissions.

Our biodiversity recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**.

If you have any questions about this advice, please do not hesitate to contact Nikki Pridgeon, Senior Conservation Planning Officer, via nikki.pridgeon@environment.nsw.gov.au or (02) 5852 6807.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ashleigh Bellotti', with a long horizontal flourish extending to the right.

Ashleigh Bellotti
A/ Director North West
Biodiversity, Conservation and Science

23 September 2024

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

BCS's recommendations

Beryl Battery Energy Storage System – Environmental Impact Statement

BAM	Biodiversity Assessment Method
BAM-C	Biodiversity Assessment Method Calculator
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	Biodiversity Conservation Regulation 2017
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
PCT	Plant Community Type
SAll	Serious and Irreversible Impacts
TEC	Threatened Ecological Community
TBDC	Threatened Biodiversity Data Collection

Recommendations

- 1.1 Provide further justification to support the adequacy of targeted field survey for *Prasophyllum sp. Wybong* outside of the recommended survey window in consultation with BCS. Alternatively perform further targeted survey within the recommended survey window, obtain an expert report to determine the presence or absence of the species, or assume presence.
- 2.1 Conduct a TEC equivalency assessment for all TECs associated with PCT 281.
- 3.1 Update the SAll assessment to include Box Gum Woodland CEEC if deemed present.
- 4.1 Complete a full assessment of the extent of prescribed impacts likely to occur, in accordance with section 8.3 of the BAM.
- 5.1 The Accredited Assessor should complete an audit of BAM-C entries to rectify errors.
- 6.1 Certify the BDAR within 14 days of the submission date for the Response to Submissions.
- 6.2 Finalise the BAM-C case within 14 days of the submission date for the Response to Submissions.

BCS's detailed comments

Beryl Battery Energy Storage System – Environmental Impact Statement

1. Targeted survey for *Prasophyllum sp. Wybong* occurred outside of the recommended survey window

Table 5-2 of the Biodiversity Development Assessment Report (BDAR) identifies *Prasophyllum sp. Wybong* as a candidate species credit species, requiring survey. Targeted flora surveys were undertaken on the 9th and 27th of November 2023, as described in section 2.3.3 of the BDAR.

However, this survey was outside of the recommended survey window for *Prasophyllum sp. Wybong* as identified in the Threatened Biodiversity Data Collection (TBDC). There has been no justification provided for suitability of this survey to accurately locate *Prasophyllum sp. Wybong* outside of the recommended survey window as required in section 5.3 of the Biodiversity Assessment Method (BAM).

Where limitations on the detection of species are still considered to be present, further targeted survey, an expert report or assuming species presence will be required in accordance with Section 5.2.4 (2) of the BAM. We recommend the accredited assessor discuss this matter with us prior to finalising the revised BDAR at RTS stage.

Recommendation

- 1.1 Provide further justification to support the adequacy of targeted field survey for *Prasophyllum sp. Wybong* outside of the recommended survey window in consultation with BCS. Alternatively perform further targeted survey within the recommended survey window, obtain an expert report to determine the presence or absence of the species, or assume presence.

2. A TEC equivalency assessment should be provided for all associated TECs

Section 4.2.2 of the BAM requires identification of any Threatened Ecological Communities (TECs) that are associated with a Plant Community Type (PCT) identified on site. Table 4-1 of the BDAR has identified the subject land is wholly comprised of a derived native grassland form of PCT 281: Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion. No TECs are listed as relevant in Table 4-1, which is further discussed in section 4.6 of the BDAR.

Section 4.6 of the BDAR accurately identifies that PCT 281 is associated with the following Critically Endangered Ecological Communities (CEECs):

- BC Act-listed: *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions.*
- EPBC Act-listed: *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.*

However, these CEECs are considered not applicable, as the local occurrence of PCT 281 on the subject site is lacking any of the dominant upper stratum species of White Box (*Eucalyptus albens*), Yellow Box (*E. albens*), and Blakely's Red Gum (*E. blakelyi*).

Notably, the NSW Threatened Species Scientific Committee scientific determination for Box Gum Woodland CEEC includes an assemblage of species which characterise the CEEC. This list contains numerous species recorded at the site, including Rough-Barked Apple (*Angophora floribunda*), Red Grass (*Bothriochloa macra*), Kangaroo Grass (*Themeda triandra*), Common Wheatgrass (*Anthosachne scabra*) and Purple Wiregrass (*Aristida ramosa*). As the scientific determination for Box Gum Woodland CEEC includes the derived native grassland formation, an absence of tree species does not automatically exclude an associated PCT from being associated with the Box Gum Woodland CEEC listing.

The discussion provided on why the local occurrence is not representative of Box Gum Woodland is inadequate, as it does not include a TEC equivalency assessment. TEC equivalency assessments require detailed and systematic comparison of a vegetation patches' compositional, structural and functional attributes against the diagnostic criteria held in the communities Final Determination.

Recommendation

2.1 Conduct a TEC equivalency assessment for all TECs associated with PCT 281.

3. The Serious and Irreversible Impacts (SAIL) assessment may need to be revised

The BDAR does not currently include an assessment of Serious and Irreversible Impacts (SAIL) as per Section 9.1 of the BAM, as there are no SAIL entities currently identified as being associated with the development. However, if the TEC equivalency assessment as per recommendation 2.1 concludes that Box Gum Grassy Woodland CEEC is present, then a SAIL assessment for this community would be required.

Recommendation

3.1 Update the SAIL assessment to include Box Gum Woodland CEEC if deemed present.

4. Further assessment, according to the criteria detailed within the BAM, should be undertaken for potential prescribed impacts

Table 6-1 of the BDAR identified the development may contribute to the prescribed impacts of non-native vegetation, water bodies and vehicle strikes. Further detail is recommended on the nature, extent, frequency, duration and timing of prescribed impacts to the TECs, threatened species and their habitat likely to be affected, as per section 8.3 of the BAM.

Recommendations

4.1 Complete a full assessment of the extent of prescribed impacts likely to occur, in accordance with section 8.3 of the BAM.

5. Errors in BAM-C entries require correction

We have conducted an audit of data entered into the BAM-C and found errors in the predicted and candidate species tabs, including:

- Habitat constraints not selected for removal of predicted species.
- Habitat constraints not selected for removal of candidate species.
- Bush Stone-curlew (*Burhinus grallarius*) was excluded from the candidate species list in the BDAR, however, remained a candidate species in the BAM-C.
- Habitat constraints for Southern Myotis (*Myotis macropus*) selected in the candidate species tab, when this species was retained as a candidate species.

For clarification, selection of habitat constraints is required to justify removal of species from the predicted and candidate species tab. If habitat constraints are not selected, then it indicates those

habitat requirements are present on the subject land. If the BAM-C case requires any changes resulting from other BCS recommendations, then these administrative errors should also be rectified.

Recommendations

5.1 The Accredited Assessor should complete an audit of BAM-C entries to rectify errors.

6. The BDAR should be certified and the BAM Calculator credit report finalised within 14 days of the submission date

Once the BDAR and BAM-C have been updated with the relevant information as requested in our recommendations, both will need to be re-finalised. In accordance with section 6.15(1) of the *Biodiversity Conservation Act 2016*, 'a biodiversity assessment report cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that the report has been prepared on the basis of the requirements of (and information provided under) the biodiversity assessment method as at a specified date and that date is within 14 days of the date the report is so submitted.'

To meet this requirement, the BDAR should be certified, and the BAM-C credit report finalised within the 14-day period of the package being re-submitted at the Response to Submissions stage.

Recommendations

6.1 Certify the BDAR within 14 days of the submission date for the Response to Submissions.

6.2 Finalise the BAM-C case within 14 days of the submission date for the Response to Submissions.