



Your ref: SSD-85372970

Our ref: DOC25-450436

Pragya Mathema
Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure – NSW Planning Group
Via Major Projects Portal: PAE-85465958

Dear Pragya

Subject: Request for Secretary's Environmental Assessment Requirements – Griffith BESS (SSD 85372970)

Thank you for your email dated 3 June 2025 seeking advice from the Regional Delivery Division (RD) of the NSW Department of Climate Change, Energy, the Environment and Water about the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for this project.

RD has reviewed the following information supplied:

- *Griffith BESS Scoping Report*, Cogency, May 2025.

We provide SEARs for the proposed development in **Attachment A**. Guidance material is listed in **Attachment B**.

RD recommends that the EIS appropriately address the following:

1. Biodiversity
2. Flood Risk Management

The EIS should fully describe the proposal, the existing environment, and impacts of the development that may impact on flooding and biodiversity. It is important that all conclusions are supported by adequate data. The assessment must include all ancillary infrastructure associated with the project such as roads, water and power supplies, and Rural Fire Service requirements for asset protection.

Biodiversity

The Scoping Report indicates that a Biodiversity Development Assessment Report (BDAR) waiver will be submitted due to no native vegetation removal being required. To waive the BDAR, proponents must submit a request through the Major Projects website or by email to information@planning.nsw.gov.au. The detail required for the application is available at [Biodiversity Development Assessment Report waiver](#). Appendix J of the Scoping Report repeats that list but does not provide the information. Appendix E of the Scoping Report details a preliminary assessment of ecological values but is not an application to waive the BDAR.

A request to waive the BDAR should be resolved well before the EIS is prepared. Early submission will provide certainty about the level of assessment required. If the application to waive is not supported by RD, the EIS must include a BDAR.

Minimum requirements for the biodiversity assessment are listed in Appendix K of the Biodiversity Assessment Method (BAM). Minimum spatial data requirements for the Biodiversity Development Assessment Report (BDAR) submission are listed in Appendix D (Table 7) of the BAM Stage 2

Operational Manual. The Accredited Assessor preparing the BDAR should follow the BDAR template.

Given the proportion of land that has already been cleared in the surrounding region, the proponents must set out how impacts to biodiversity will be avoided and minimised. The cumulative impact of electricity generation in the surrounding region should be assessed through application of the [Cumulative Impact Assessment Guidelines for State Significant Projects](#).

The EIS should identify any relevant Matters of National Environmental Significance, and whether the proposal has been referred to the Australian Government or whether it is already determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

Flood Risk Management

The project site is in the Main Drain J catchment as defined by the *Griffith Main Drain J and Mirrool Creek Flood Study* (2015) but is outside all the design flood extents for mainstream flooding, including the Probable Maximum Flood. On that basis the site of the proposed BESS be considered not prone to mainstream flooding.

However, because the *Griffith Main Drain J and Mirrool Creek Flood Study* (2015) focused on broadscale effects of mainstream flooding across a large catchment, it was not undertaken at a scale appropriate for assessing all flood risks associated with the proposed BESS. Examples of such risks that must be specifically addressed in the EIS include but are not limited to:

- flood risk associated with major overland flow due to local intense rainfall events
- impacts on surrounding properties due to increased site runoff and/or diversion of overland flows
- the flood impacts on sensitive site infrastructure.

The EIS should address the attached requirements for flood risk management and conduct flood modelling to appropriately locate infrastructure and assess impacts, including on waterway crossings for site access.

If you have any questions about this advice, please contact Marcus Wright, Senior Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6938 4917.

Yours sincerely



Adam Vey
17 June 2025

**Director South West
Regional Delivery
Conservation Programs, Heritage and Regulation Group
NSW Department of Climate Change, Energy, the Environment and Water**

ATTACHMENT A – Recommended Environmental Assessment Requirements for Griffith BESS (SSD 85372970)
ATTACHMENT B – Guidance material

Attachment A Recommended Environmental Assessment Requirements for Griffith BESS (SSD 85372970)

Sources of guidance material for terms in [blue](#) are in Attachment B

Biodiversity
1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 using the Biodiversity Assessment Method (BAM) 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and the BAM, unless it is determined that the proposed development is not likely to have any significant impact on biodiversity values.
2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the BAM.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows; a. The total number and classes of biodiversity credits required to be retired for the development/project; b. The number and classes of like-for-like biodiversity credits proposed to be retired; c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; d. Any proposal to fund a biodiversity conservation action; e. Any proposal to make a payment to the Biodiversity Conservation Fund. If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix K of the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.
Flood Risk Management
6. The EIS must map the following features relevant to flooding as described in the Flood Risk Management Manual: the policy and manual for flood liable land (NSW Government 2023) including: a. Flood prone land. b. Flood planning area, the area below the flood planning level. c. Hydraulic categorisation (floodways and flood storage areas). d. Flood hazard.

7.	The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP flood levels and the probable maximum flood, or an equivalent extreme event.
8.	The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: Current flood behaviour for a range of design events as identified in 7 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
9.	Modelling in the EIS must consider and document: - Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. - The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood. - Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories. - The flood risks on project infrastructure with particular emphasis on sensitive assets and access roads used for site evacuation. - Relevant provisions of the Flood Risk Management Manual: the policy and manual for flood liable land (2023).
10.	The EIS must assess the impacts of the proposed development on flood behaviour, including: - Whether there will be detrimental increases in the potential flood affectionation of other properties, assets and infrastructure. - Consistency with Council Floodplain Risk Management Plans. - Compatibility with the flood hazard of the land. - Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land. - Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.

Attachment B Guidance material

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
<u>Biodiversity</u>	
Biodiversity Assessment Method 2020 (DPIE 2020)	https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/accredited-assessors/biodiversity-assessment-method-2020
Biodiversity Assessment Method 2020 Operational Manual – Stage 1 (DPE 2022)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1
Biodiversity Assessment Method 2020 Operational Manual – Stage 2 (DPE 2023)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2
BDAR Template (DPE 2022)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-for-the-biodiversity-development-assessment-report-template
Biodiversity Offset Scheme guides, tools and databases	https://www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/maps-systems-and-resources/guides-tools-and-databases
Biodiversity Values Map	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap https://datasets.seed.nsw.gov.au/dataset/biodiversity-values-map
Guidance to assist a decision maker to determine a serious and irreversible impact (DPIE 2019)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
Ancillary rules: biodiversity conservation actions	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-biodiversity-conservation-actions
Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-reasonable-steps-to-seek-like-for-like-biodiversity-credits
DPE Threatened Species Profiles	www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification – see NSW Plant Community Type (PCT)	http://www.environment.nsw.gov.au/research/Visclassification.htm

Title	Web address
classification link for PCT database login page.	
NSW SEED Data Portal (access to online spatial data)	https://www.seed.nsw.gov.au/
Fisheries NSW policies and guidelines	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation
<u>Flood Risk Management</u>	
Flood Risk Management Manual: the policy and manual for flood liable land (2023)	https://www.environment.nsw.gov.au/topics/water/floodplains/flood-plain-manual
Australian Rainfall and Runoff: A Guide to Flood Estimation	http://arr.ga.gov.au/
Flood Impact and Risk Assessment, Flood Risk Management Guideline LU01	https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-impact-and-risk-assessment