



Your ref: SSD-68815961

Our ref: DOC25/697967

Megan Ramsdale
Environment Assessment Officer
Department of Planning, Housing and Infrastructure- NSW Planning Group
Via Major Projects Portal: PAE-91233217

Dear Megan

Subject: Jindera BESS EIS – SSD 68815961

Thank you for your email dated 18 August 2025 seeking advice from the Regional Delivery Division (RD) of the NSW Department of Climate Change, Energy, the Environment and Water about the Environmental Impact Statement (EIS).

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs) issued to the proponent on 18 April 2024.

RD considers the EIS does meet the Secretary's requirements for flood risk management, contingent on the proponent addressing issues 1 and 2 identified in **Attachment A**.

RD considers the EIS does not meet the SEARs for biodiversity.

The Biodiversity Assessment Method (BAM) has not been correctly used to assess the project and calculate credit obligations. The Biodiversity Development Assessment Report (BDAR) will need to be revised so that it is consistent with the BAM. This will ensure the calculation of the biodiversity offset liability is reliable.

The key issues to be addressed (see assessment and recommendations provided in **Attachment A** and detailed advice in **Attachment B**) are:

- Inadequate and unclear consideration of potential impacts, including partial impacts
- Inadequate assessment of Matters of National Environmental Significance (MNES)
- Inadequate justification for the exclusion of some threatened fauna species from further assessment
- Insufficient detail has been provided about measures to mitigate, monitor and manage impacts during construction.

All plans required as a Condition of Approval that relate to flood risk management or biodiversity should be developed in consultation with RD, so our issues are adequately addressed.

If you have any questions about this advice, please contact Mel Cotterill, Principal Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6022 0614.

Yours sincerely

Helen Waudby
1 October 2025
Acting Director, South West
Regional Delivery
Conservation Programs, Heritage and Regulation Group

NSW Department of Climate Change, Energy, the Environment and Water

ATTACHMENT A – RD Assessment Summary for Jindera BESS EIS (SSD 68815961)

ATTACHMENT B – Detailed advice for Jindera BESS Environmental Impact Statement (SSD 68815961)

ATTACHMENT A RD Assessment Summary for Jindera BESS EIS (SSD 68815961)

Key Issues

Flood Risk Management

1. The FRIAR hydraulic models must be updated with detailed designs.
 - 1.1. Incorporate the detailed design of the project into the hydraulic model to accurately investigate the impact of the proposed project on flood behaviour and update the FRIAR accordingly.
2. The FRIAR fails to demonstrate how emergency management matters have been discussed with Greater Hume Council and the NSW State Emergency Service (SES).
 - 2.1. Actively engage Greater Hume Council and the NSW SES to demonstrate emergency management matters have been adequately discussed and supported.
 - 2.2. Verify that a Flood Emergency Plan is not required.

Biodiversity

- 3.1. Revise the BDAR to document how partially cleared areas will be managed to ensure vegetation is retained as per the VI score.
- 3.2. Revise the BDAR to assess all vegetation that will be completely removed as full loss. This should account for any areas or structural layers with potential to be inadvertently disturbed regardless of potential for rehabilitation.
- 3.3. Provide a protocol for partial loss that includes:
 - Application of partial loss using reasonable predicted final VI values which are consistent for each vegetation class and zone.
 - Evidence-based construction management measures to support assessed partial clearing outcomes.
 - Details on the clearing machinery, equipment and methods which will be used to achieve partial retention of biodiversity values.
 - Methods for handling of timber waste (logs, woodchip and leaf mulch) to avoid smothering retained vegetation.
- 3.4. Revise the spatial data to ensure the partial impact areas are distinguished from the full impact areas identified in the BDAR and BAM-C to ensure the spatial data can be used to accurately track impact management during construction.
- 4.1. Provide additional justification for excluding Eastern Pygmy Possum and Little Eagle. Alternatively, complete additional surveys, use an expert report or assume presence.
- 4.2. Provide spatial data for the Superb Parrot species polygon with the revised BDAR.
- 5.1. Justify how the species polygon for *Cullen parvum* was derived, in accordance with Section 5.2.5 of the BAM. Alternatively, amend the species polygon to include all potential habitat in the proposed partial clearing areas.

- 6.1. Revise the EPBC Act assessment for Box-Gum Woodland with consideration of the entire patch and the timing of floristic surveys.
- 6.2. Complete a significant impact assessment for each EPBC Act entity potentially impacted by the project.
- 7.1. Revise Section 10.1 of the BDAR to address the criteria in Section 9.1.1 of the BAM.
- 8.1. Revise Section 9.6 of the BDAR to include preparation of a Biodiversity Management Plan to ensure the mitigation measures can be implemented, monitored and reviewed.
- 8.2. Revise Section 9.3 and 9.6 of the BDAR to include the precautionary approach for connectivity impacts and consider all potentially impacted species and the consequences of the impacts. If mitigation measures are required to manage these impacts, provide the location of these on a map.
- 8.3. If specific mitigation measures are proposed for connectivity impacts and management of habitat features on site such as hollows and mulch, these need to be detailed, including how and when these would be implemented.
- 9.1. The assessment must include all ancillary works such as widening of roads, access points and utilities to the site, and construction compounds, and the relevant spatial data must be provided.
- 10.1. Revise the BDAR to reflect the information in the most current BAM-C revision so that it indicates the correct offset obligation.

ATTACHMENT B Detailed advice for Jindera BESS EIS (SSD 68815961)

Flood Risk Management

RD has reviewed the flood risk management assessment at Section 6.8 of the EIS and Appendix N – Jindera BESS Flood Risk and Impact Assessment Report (FRIAR) (Water Technology, 2025).

The EIS does address the Secretary’s requirements for flood risk management but is contingent on the proponent addressing the issues listed below during the detailed design phase of the project.

1. The FRIAR hydraulic models must be updated with detailed designs.

The assessment of flood impact and risk is largely conceptual. The proposed design conditions in the hydraulic model consist of a proposed layout plan, increased elevations, and adjusted model parameters.

RD recommends that once finalised, the detailed design be incorporated into the hydraulic model to accurately investigate the impact of the proposed project on flood behaviour and the FRIAR updated accordingly. The updated FRIAR should confirm that flood risk has not increased or changed significantly because of incorporating the detailed design.

Recommendations:

- 1.1. Incorporate the detailed design of the project into the hydraulic model to accurately investigate the impact of the proposed project on flood behaviour and update the FRIAR accordingly.

2. The FRIAR fails to demonstrate how emergency management matters have been discussed with Greater Hume Council and the NSW State Emergency Service (SES).

The FRIAR indicates that batteries in the north and south of the proposed layout plan may be impacted by a Probable Maximum Flood (PMF) event, with proposed mitigation measures further worsening flood affectation to batteries in the south of the layout.

RD acknowledges that during operation few full-time staff will be located on site and the flood risk to staff is minimal. However, it is necessary that emergency management, access and evacuation, and contingency measures are adequately considered. This is particularly important if damaged project infrastructure disrupts power supply and impacts the ability of emergency management agencies to perform their flood response and recovery operations.

The SEARs in our letter dated 2 April 2024 included that these matters must be discussed with and supported by Greater Hume Council and the NSW SES. Importantly, the applicants state there is no perceived need to develop a Flood Emergency Plan. There is no evidence that claim has been discussed with and supported by Greater Hume Council and NSW SES.

Recommendations:

- 2.1. Actively engage Greater Hume Council and the NSW SES to demonstrate emergency management matters have been adequately discussed and supported.
- 2.2. Verify that a Flood Emergency Plan is not required.

Biodiversity

RD has reviewed the biodiversity assessment at Section 6.1 of the EIS and Appendix F – Battery Energy Storage System – Jindera BDAR (SLR, 2025).

The BDAR at Appendix F is to be updated to meet the SEARs for biodiversity.

Specific advice on the BDAR and related sections in the BDAR are:

3. Impact assessment relating to partial loss of biodiversity values is to be updated to be consistent with the BAM.

The proposed 330kV transmission line easement and Asset Protection Zone involve partial clearing, comprised of the removal of trees and shrubs and retaining groundcover vegetation. As per BAM s8.1.1 (2), where partial clearing is proposed, the BDAR must specify how the remaining attributes will be maintained. This information has not been provided.

Recommendations:

- 3.1. Revise the BDAR to document how partially cleared areas will be managed to ensure vegetation is retained as per the VI score.
- 3.2. Revise the BDAR to assess all vegetation that will be completely removed as full loss. This should account for any areas or structural layers with potential to be inadvertently disturbed regardless of potential for rehabilitation.
- 3.3. Provide a protocol for partial loss that includes:
 - Application of partial loss using reasonable predicted final VI values which are consistent for each vegetation class and zone.
 - Evidence-based construction management measures to support assessed partial clearing outcomes.
 - Details on the clearing machinery, equipment and methods which will be used to achieve partial retention of biodiversity values.
 - Methods for handling of timber waste (logs, woodchip and leaf mulch) to avoid smothering retained vegetation.
- 3.4. Revise the spatial data to ensure the partial impact areas are distinguished from the full impact areas identified in the BDAR and BAM-C to ensure the spatial data can be used to accurately track impact management during construction.

4. Fauna survey effort and exclusion of candidate species is not adequate for some species.

Insufficient justification has been provided for excluding the Eastern Pygmy Possum (*Cercartetus nanus*) and Little Eagle (*Hieraaetus morphnoides*).

The survey effort for excluding Eastern Pygmy Possum is considered insufficient (2 cameras for 3 nights and 2 nights of spotlighting). Justification for the survey effort completed, such as published literature, is required to confirm that the species is unlikely to be present.

Little Eagle nest surveys were completed in December, outside the nominated survey period which ends in October. No justification has been provided, and it is possible that nests may have been missed due to the completion of surveys outside of the breeding season in parts of the study area.

No map of spatial data of the species polygon has been provided for the Superb Parrot (*Polytelis swainsonii*).

Recommendations:

- 4.1. Provide additional justification for excluding Eastern Pygmy Possum and Little Eagle. Alternatively, complete additional surveys, use an expert report or assume presence.
- 4.2. Provide spatial data for the Superb Parrot species polygon with the revised BDAR.

5. The species polygon for *Cullen parvum* requires clarification and justification.

The area of assumed presence of Small Scurf-Pea (*Cullen parvum*) excludes all associated habitat in the partial impact area of the transmission line easement. The extent of associated habitat that is unsurveyed is 2.82 ha but the species polygon is limited to 0.46 ha. There are inconsistencies in

the BDAR and the approach for this species polygon needs clarification. Further justification is also required to indicate how potential habitat for the species would be retained in the partial impact area. Score full loss where outcomes for the species are uncertain and include in the biodiversity offset calculation as per Item 3.

- 5.1. Justify how the species polygon for *Cullen parvum* was derived, in accordance with Section 5.2.5 of the BAM. Alternatively, amend the species polygon to include all potential habitat in the proposed partial clearing areas.

6. Assessment of Matters of National Environmental Significance requires further consideration to inform potential impacts.

Appendix E and Section 4.2.2.5 of the BDAR indicate that PCT 277 within the subject land does not meet the listing criteria for the EPBC Act critically endangered ecological community *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box-Gum Woodland) due to the vegetation being too degraded. The assessment of condition thresholds for listing was completed for individual plots and not at the patch scale as required by the Policy Statement for Box-Gum Woodland (DEH 2006). Vegetation integrity plot surveys were also completed in winter when floristic diversity is likely to be lower than if completed in spring.

As per the Significant Impact Guidelines, an assessment of significance is required for each impacted EPBC Act entity. This includes ecosystem credit species that have been retained in the assessment and candidate species credit species that have been assumed present.

- 6.1. Revise the EPBC Act assessment for Box-Gum Woodland with consideration of the entire patch and the timing of floristic surveys.
- 6.2. Complete a significant impact assessment for each EPBC Act entity potentially impacted by the project.

7. Assessment of serious and irreversible impacts requires revision.

The assessment of serious and irreversible impacts (SAIL) on Box-Gum Woodland in Section 10.1 of the BDAR does not address all of Section 9.1.1 of the BAM. The SAIL assessment must consider the reduction in ecological function and describe the degree of environmental degradation or disruption to biotic processes, and discuss potential indirect impacts such as partial loss. Further consideration of the potential impacts of the project on the SAIL entity is required.

- 7.1. Revise Section 10.1 of the BDAR to address the criteria in Section 9.1.1 of the BAM.

8. Detailed mitigation measures that demonstrate how impacts will be effectively managed are to be included in the BDAR.

A Biodiversity Management Plan is required to implement the mitigation and management measures proposed for the project and manage potential impacts. This includes management of the expected partial clearing outcomes as per recommendations in Item 3 above.

For the Squirrel Glider (*Petaurus norfolcensis*), Table 27 of the BDAR indicates that if the connectivity impact is greater than 60 metres glider poles and rope crossings are suggested. The precautionary approach should be applied for the impact on connectivity and a commitment to mitigation measures provided, with a map of where these would be located if the assessment determines they are required.

Table 26 includes installation of nest boxes as a mitigation measure, however there is no further detail on implementation. There is also limited detail on how habitat features will be retained or relocated within the subject land.

Recommendations:

- 8.1. Revise Section 9.6 of the BDAR to include preparation of a Biodiversity Management Plan to ensure the mitigation measures can be implemented, monitored and reviewed.

- 8.2. Revise Section 9.3 and 9.6 of the BDAR to include the precautionary approach for connectivity impacts and consider all potentially impacted species and the consequences of the impacts. If mitigation measures are required to manage these impacts, provide the location of these on a map.
- 8.3. If specific mitigation measures are proposed for connectivity impacts and management of habitat features on site such as hollows and mulch, these need to be detailed, including how and when these would be implemented.

9. The spatial data must include all project features and ancillary facilities.

All ancillary features of the project, including the road design, access points, construction compounds and connection for water and other utilities must be provided in the spatial data. Provide spatial data that is adequately attributed to identify assessment of ancillary features and different disturbance areas for impact management as per Item 3.

Recommendations:

- 9.1. The assessment must include all ancillary works such as widening of roads, access points and utilities to the site, and construction compounds, and the relevant spatial data must be provided.

10. Information in the BDAR must match the information in the BAM-C

Table 32 of the BDAR identifies the ecosystem credits required to offset the impacts of the project. These do not match the BAM-C case.

- 10.1. Revise the BDAR to reflect the information in the most current BAM-C revision so that it indicates the correct offset obligation.