

Our ref: DOC22/837467-5

Your ref: SSI-48492458

Javier Canon

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Dear Javier

Input into Secretary's Environmental Assessment Requirements – Waratah Super Battery Energy Storage System (SSI-48492458) (Central Coast)

I refer to your Major Projects Portal request on 16 September 2022 seeking input into the Secretary's Environmental Assessment Requirements (SEARs) for the Waratah Super Battery Energy Storage System (SSI-48492458), located on the decommissioned Munmorah Power Station land, at Station Road, in Colongra. The project site comprises part of Lot 10 in DP1201414 (incorrectly stated as DP120141 in the Scoping Report). The proposed development is within the Central Coast local government area.

This letter is a response on behalf of the Biodiversity Conservation Division (BCD) and the National Parks and Wildlife Service (NPWS), both parts of the Department of Planning and Environment's Environment and Heritage Group. We appreciate the opportunity to provide input to the SEARs. We understand that the Energy Corporation of NSW (the Applicant) is proposing to develop the Waratah Super Battery project which will include:

- a System Integrity Protection Scheme (SIPS), designed to reserve and deploy standby battery
- power to support the NSW electricity grid when required due to a contingency event
- an approximate 700-megawatt (MW) battery energy storage system (BESS)
- connecting transmission and related infrastructure to connect the BESS to the existing grid, and
- other ancillary infrastructure and services required for the project.

BCD and NPWS understands that the proposal is a State Significant Infrastructure project (SSI-48492458) under Division 5.2 of the *Environmental Planning and Assessment Act 1979*.

BCD and NPWS have reviewed the document '*Waratah Super Battery – Munmorah Scoping Report*' as prepared by Energy Corporation of NSW (dated September 2022) and the draft SEARs provided as part of the referral. In response we have identified critical information that should be included as standard information in the SEARs. These are presented in **Attachment A** and deal with biodiversity, water cycle and flooding requirements.

For this site, a critical consideration will be the potential impacts on the neighbouring Colongra Swamp Nature Reserve – an environmentally sensitive area which is directly linked to the development site via drainage lines including Hammond Canal, and the area adjacent to the Reserve which has previously been set aside as an offset. This matter is listed as a project-specific SEAR in **Attachment B**.

Details of guidance documents are provided in **Attachment C**.

If you have any further questions in relation to this matter, please contact Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or at rog.hcc@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Thumm', written over a light blue horizontal line.

Karen Thumm
A/Senior Team Leader - Planning
Biodiversity and Conservation Division

26 September 2022

Enclosure: Attachments A, B, C

cc: npws.envplanningadvice@environment.nsw.gov.au

Attachment A – Standard Environmental Assessment Requirements

Biodiversity
<ol style="list-style-type: none">1. Biodiversity impacts related to the proposed development (SSI-48492458) are to be assessed in accordance with the Biodiversity Assessment Method 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and Biodiversity Assessment Method 2020.2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method 2020.3. The BDAR must include details of the measures proposed to address the offset obligation as follows:<ul style="list-style-type: none">• The total number and classes of biodiversity credits required to be retired for the development/project;• The number and classes of like-for-like biodiversity credits proposed to be retired;• The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;• Any proposal to fund a biodiversity conservation action;• Any proposal to conduct ecological rehabilitation (if a mining project);• 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 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>.5. The Department now has a template guideline for the production of BDARs titled 'Guidance for the Biodiversity Development Assessment Report Template', available at: https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-development-assessment-report-template-guide-220209.pdf
Water and soils
<ol style="list-style-type: none">6. The EIS must map the following features relevant to water and soils including:<ol style="list-style-type: none">a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).c. Wetlands as described in s4.2 of the Biodiversity Assessment Method.d. Groundwater.e. Groundwater dependent ecosystems.f. Proposed intake and discharge locations.

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| <p>7. The EIS must describe background conditions for any water resource likely to be affected by the development, including:</p> <ul style="list-style-type: none">a. Existing surface and groundwater.b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters.d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. |
| <p>8. The EIS must assess the impacts of the development on water quality, including:</p> <ul style="list-style-type: none">a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.b. Identification of proposed monitoring of water quality. |
| <p>9. The EIS must assess the impact of the development on hydrology, including:</p> <ul style="list-style-type: none">a. Water balance including quantity, quality and source.b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g., river benches).e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.g. Identification of proposed monitoring of hydrological attributes. |

Flooding and coastal erosion
<p>10. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:</p> <ul style="list-style-type: none"> a. Flood prone land. b. Flood planning area, the area below the flood planning level. c. Hydraulic categorisation (floodways and flood storage areas).
<p>11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.</p>
<p>12. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:</p> <ul style="list-style-type: none"> a. Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
<p>13. Modelling in the EIS must consider and document:</p> <ul style="list-style-type: none"> a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood. b. 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. c. Relevant provisions of the NSW Floodplain Development Manual 2005.

14. The EIS must assess the impacts on the proposed development on flood behaviour, including:

- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
- b. Consistency with Council floodplain risk management plans.
- c. Compatibility with the flood hazard of the land.
- d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
- h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
- i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
- j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

15. The EIS must describe the potential effects of coastal processes and hazards (within the meaning of the Coastal Management Act 2016), including sea level rise and climate change:

- a. On the proposed development
- b. Arising from the proposed development.

16. The EIS must consider have regard to any certified Coastal Management Program (or Coastal Zone Management Plan) and be consistent with the management objectives described in the Coastal Management Act 2016 and development controls for coastal management areas mapped under the State Environmental Planning Policy (Resilience and Hazards) 2021.

Attachment B – Project specific environmental assessment requirements

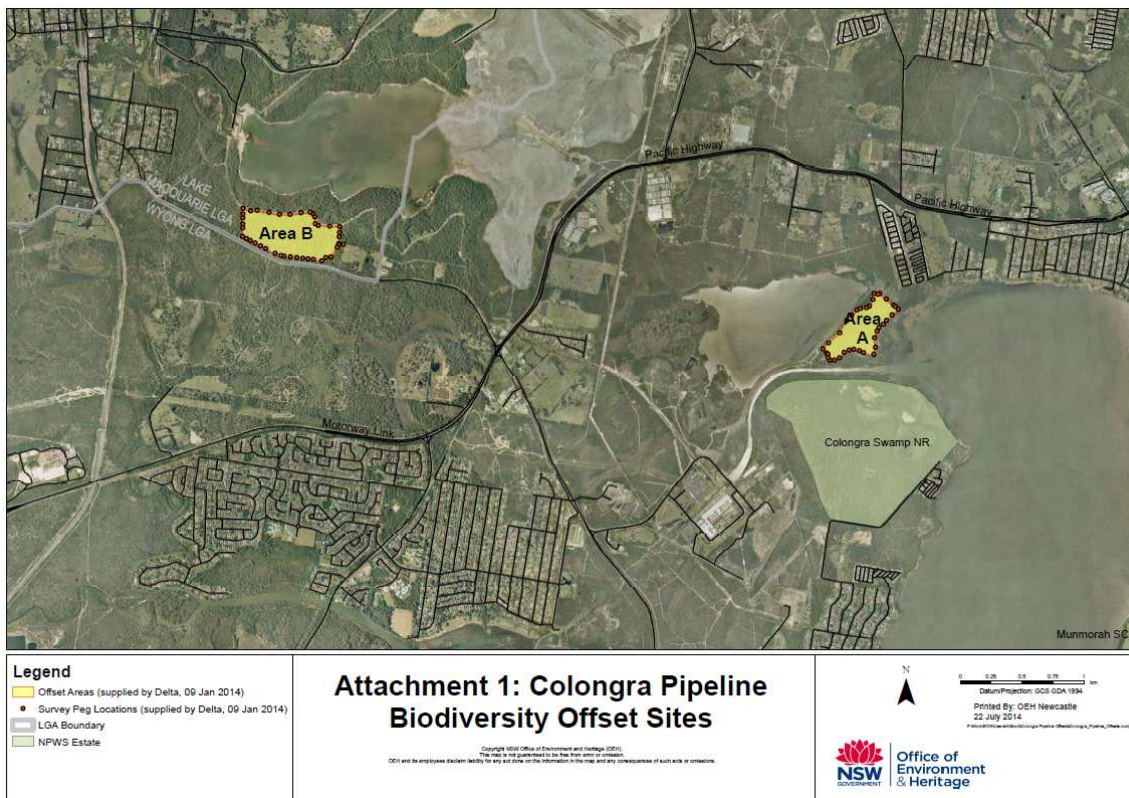
Biodiversity – nil

Water and soils – nil

Flooding and coastal erosion – nil

Environmentally sensitive areas

1. The EIS must include an assessment of the potential impacts (direct and indirect) of the development on Colongra Swamp Nature Reserve (on Figure 1), as per the guidelines 'Developments adjacent to National Parks and Wildlife Service lands' (NPWS 2020), and the land known as 'Offset Area A' on 'Attachment 1' (below).



2. This consideration must recognise that all watercourses in the development site drain into the reserve and so should be considered part of the boundary interface with the reserve. Similarly, drainage impacts may affect the offset area, and need to be considered.
3. The assessment must include avoid and minimise measures, and where impacts cannot be avoided, mitigation and offset measures are to be provided, with those offsets to directly benefit lands reserved under the National Parks and Wildlife Act. Additional offsets may be required if the Offset Area A is adversely impacted.

Attachment C – Guidance material

Title	Web address
Relevant legislation	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://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
<i>National Parks and Wildlife Act 1974</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080
<i>Protection of the Environment Operations Act 1997</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156
<i>Water Management Act 2000</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-2000-092
<i>Wilderness Act 1987</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196
Biodiversity & NPWS Conservation Estate	
Biodiversity Assessment Method (OEH, 2020)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-assessment-method-2020-200438.pdf
Guidance for the Biodiversity Development Assessment Report Template (DPE 2022) (*Note: there is a word version of the template also on the webpage)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-development-assessment-report-template-guide-220209.pdf
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
Surveying threatened plants and their habitats - NSW survey guide for the Biodiversity Assessment Method (DPIE, 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method
NSW Survey Guide for Threatened Frogs – A guide for the survey of threatened frogs and their habitats for the Biodiversity Assessment Method (DPIE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs
'Species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method	https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method
Fisheries NSW policies and guidelines	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation

Title	Web address
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment
Developments adjacent to National Parks and Wildlife Service lands' (NPWS 2020)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding and coastal erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual
Guidelines for Preparing Coastal Zone Management Plans	Guidelines for Preparing Coastal Zone Management Plans http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf