

LGS
Economic Development & Environment



25 March 2022

Javier Canon
Javier.Canon@planning.nsw.gov.au
Department of Planning and Environment

Dear Javier,

Great Western Battery Energy Storage System State Significant Development (SSD 12346552), 173 Brays Lane, Wallerawang NSW 2845

I refer to your email received 8 March 2022 regarding the Great Western Battery Energy Storage System State Significant Development (SSD 12346552). The Project involves the construction and operation of a large-scale Battery Energy Storage System with capacity of up to 500 Megawatts (MW) and that will provide up to 1,000 Megawatt hours (MWh) of battery storage capacity.

The Traffic Impact Assessment Report indicates that the two bridges located on Brays Lane, which will be used as the primary heavy vehicle access for the development, appear to be in an unsafe condition for additional large vehicles to utilise. As such, it is recommended that qualified structural engineer certifies the safety of the bridges prior to use due to perfricated elements to be delivered to the site, such as 180 tonnes transformers and 60 tonnes control rooms.

Traffic control will also be required for oversized vehicles to be used on Brays Lane (approximate 5m – 6m in width). The existing pavement of Brays Lane is not designed for heavy vehicle use and it is anticipated this pavement will be damaged by vehicle usage during construction of the development. Council requires that any damage on the existing pavement of Brays Lane due to heavy vehicle use associated with the development be repaired immediately at no cost to Council.

Council requests that a \$50,000 security bond be conditioned on any approval granted for the proposal to cover any damage to the proposed local haulage route during construction activities.

In general, Council has no objection to the proposed development subject to the following further recommended conditions being applied to any development consent should the application be approved:

GENERAL REQUIREMENTS

1. Approved Development

The development is to be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further

information provided during the process unless otherwise amended by the following conditions.

2. Modifications and Determinations

Lithgow City Council is to be notified of any modifications and determinations.

3. Mitigation Measures

The mitigation measures for the key environmental issues identified within the Environmental Impact Statement, Biodiversity Development Assessment Report, Aboriginal Cultural Heritage Assessment Report Addendum, Social Impact Assessment, Bushfire Threat Assessment, Preliminary Hazard Analysis, Land Use Conflict Risk Assessment, Traffic Impact Assessment Report, Noise and Vibration Report, Water Cycle Management Study, and Statement of Heritage Impact are to be implemented for the development. The following additional plans are to be submitted to Council for approval prior to commencement of work. These plans include:

- Construction and Operational Traffic Management Plan,
- Construction Environmental Management Plan (CEMP),
- Construction Waste Management Plan,
- Erosion and Sediment Control Plan, and
- Landscape Plan.

4. Planning Agreement/Contributions

Council would like the opportunity to enter into a Voluntary Planning Agreement for community/public facilities and/or infrastructure for this project. In accordance with the *Environmental Planning and Assessment Act 1979*, Council's Section 94A Contributions Plan imposes a 1% Contribution on all development over \$200,000. However, Council acknowledges that such a contribution may be inappropriate for projects of the type proposed by Neoen Australia Pty Ltd.

CONDITIONS APPLYING BEFORE WORKS COMMENCE

5. Building Construction Works

Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:

- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
- b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
- c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

6. Signage

A sign must be erected in a prominent position on any site on which building work is being carried out—

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building or demolition work is being carried out, but must be removed when the work has been completed.

7. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note. Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

7. Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

8. Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

9. Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

CONDITIONS APPLYING DURING THE WORKS

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

10. Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

11. Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
 - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
 - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

12. Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

13. Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

14. Dust

The applicant shall ensure that during construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the project area. This includes an onsite sprinkler and/or water truck being available at all times during construction works. Trucks are to be covered with a tarp or other material that would prevent dust emissions when leaving the vicinity.

15. Engineering Requirements

- (1) A Civil Works Construction Certificate must be obtained from Lithgow City Council prior to the commencement of any civil works on Brays Lane.
- (2) All engineering works are to be designed to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
- (3) A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
- (4) A maintenance bond, that is agreeable by both parties for the construction of the project, shall be paid to Council for any potential damage to Council's Maintained Road (Brays Lane) or road reserve and infrastructure prior to commencement of work.
- (5) Any works on Brays Lane will require a "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to Council. The WAE is to include, as a minimum:
 - certification that all works have been completed generally in accordance with the approved plans and specification,
 - any departure from the approved plans,
 - any additional/deleted work,
 - the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines,
 - pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions,
 - details of overland flow provisions,
 - site regrading areas by new contours, and
 - all other details which have a bearing on the extent of works and their acceptance by Council.
- (6) The applicant shall submit a soil erosion and sedimentation control plan with the engineering design for Council approval. Such shall address both short and long term management of all disturbed areas and specified methods and structures to be employed to minimise any impact.
- (7) A Rehabilitation Management Plan is to be submitted to Council prior to any works commencing within Council's Road Reserves.

- (8) All fill for the trenches shall be clean material; no foreign building materials or contamination of the soil will be permissible for the filling of this land or access creation. Contamination testing maybe required to be submitted to Council for assessment and approval.
- (9) All filled areas must be compacted to a minimum 95% standard, with certification from a NATA registered laboratory.
- (10) Any excess fill waste shall be removed from the site and disposed of at an appropriately licensed facility. No earthworks will be permitted to be taken to any other property or location without prior approval from Council.
- (11) All works within the public road reserves shall take place having regard to the Draft Lithgow Roadside Vegetation Management Plan dated 1 May 2019
- (12) Council advises that the proposed industry is to submit an application to the National Heavy Vehicle Regulator (NHVR) detailing all heavy vehicle traffic and potential impacts. Once this application is received, Council will be notified to assess and make comment to the proposed traffic movements.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

16. Subdivision Certificate

An application for Subdivision Certificate is to be lodged with Council including payment of relevant fees, the registered surveyors plans of subdivision, any associated 88B instrument (if applicable) following the compliance with all conditions of this consent. The Subdivision Certificate application and plans are to be submitted via the NSW Online Planning Portal.

CONDITIONS APPLYING PRIOR TO OCCUPATION/USE

17. Occupation Certificate

Prior to the use or occupation of the approved development, all conditions of this consent are to be satisfied, a final inspection undertaken by the Principal Certifying Authority and an Occupation Certificate issued.

Please do not hesitate to contact Miss Lauren Stevens who is available between 8:15am and 10:30am Monday to Friday on (02) 63549999, in Council's Environment & Development Department should you have any queries in relation to this matter.

Yours sincerely



Lachlan Sims
TEAM LEADER DEVELOPMENT PLANNING

LGS
Economic Development & Environment



1 April 2022

Javier Canon
Javier.Canon@planning.nsw.gov.au
Department of Planning and Environment

Dear Javier,

Great Western Battery Energy Storage System State Significant Development (SSD 12346552), 173 Brays Lane, Wallerawang NSW 2845

Further to Council's submission of 25 March 2022 in relation to the Great Western Battery Energy Storage System State Significant Development (SSD 12346552), Council considered the matter at its Ordinary meeting of 28 March 2022 and resolved to include a supplementary submission to ensure that consultation has and will occur with respect to Aboriginal Cultural Heritage.

Please do not hesitate to contact Miss Lauren Stevens who is available between 8:15am and 10:30am Monday to Friday on (02) 63549999, in Council's Environment & Development Department should you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lachlan Sims', written over a white background.

Lachlan Sims
TEAM LEADER DEVELOPMENT