

13 June 2023

Department of Planning and Environment  
Energy, Resources & Industry Assessments  
4 Parramatta Square 12 Darcy Street  
PARRAMATTA NSW 2150



[elisha.dunn@dpie.nsw.gov.au](mailto:elisha.dunn@dpie.nsw.gov.au)

Dear Ms Dunn

**SSD-45242780 ORANA BATTERY ENERGY STORAGE SYSTEM  
6945 GOOLMA ROAD WUULUMAN**

I refer to your recent correspondence dated 16 May 2023 regarding the proposed Orana Battery Energy Storage System and your request for comments with regard to the exhibited Environmental Impact Statement (EIS) dated March 2023 and prepared by NGH Pty., Ltd.

The EIS has been provided to council officers and their comments read as follows:

**Plans and Documents**

Ancillary Buildings

The EIS identifies the areas on which the future Operations/Maintenance and switch/control room buildings will be erected (eg. Figure 3.2, page 35). No indication of the likely size and bulk of such permanent structures are provided in the EIS.

The EIS specifies that *“Detailed layouts for these areas would be developed post-approval and would include suitable means of egress in the event of an emergency.”* (page 137). Concern is raised when the expected size, footprint and bulk is not known, as to how the environmental impacts can be assessed.

The construction of the subject buildings/structures will require the issue of a Construction Certificate (CC). For either council or a private certifier to issue a Construction Certificate, the development consent should include concept plans to permit the Certifier to ascertain that the CC application plans are consistent with the development consent, pursuant to section 19 of the EP&A (Development Certification and Fire Safety) Regulation 2021.

**19 Compliance with development consent and Building Code of Australia**

- (1) *A certifier must not issue a construction certificate for building work unless—*
- (a) *the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any, and*



All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

**T** [02] 6801 4000 **F** [02] 6801 4259 **E** [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

**W** [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)

- (b) *the design and construction of the building, as described in the relevant building work plans and specifications and in other information given to the certifier under section 12, is consistent with the development consent,*

### Stormwater Drainage

Concerns are raised regarding the current drainage problems at the site entrance. Currently the eastern table drain struggles to handle runoff with water flowing onto the sealed shoulders and siltation occurring on the existing sealed BAR slip lane, very close to the proposed site entrance.

The table drain carries surface water for approximately 650m from the Nanima Pit entrance to a culvert under the Goolma Road, which is then deposited into a private dam as per the blue line on the plan below. The overall grade from the quarry to the culvert is around -1.5%, which is satisfactory but due to surface undulations, siltation and vegetation the drains are less effective.



This type of drainage issue would normally be a standard maintenance issue. However, the proposed entrance while not impacting the current flows (volume), may concentrate flows over a shorter period of time.

Therefore, Council would request surface drainage details to identify impacts and proposed table drain treatments, this would be assessed from the quarry entrance to the dam and runoff from the adjoining lands. It is expected that regrading/reshaping of the table drain may be required.

## **Legislation, Policies & Guidelines**

### **Planning Agreement**

Council can confirm that a level of discussion has been undertaken with the Proponent in respect of a Planning Agreement. It is Council's understanding that a Planning Agreement will be successfully negotiated with the Proponent.

### **Subdivision**

Council notes the intent of the applicant to purchase up to 10ha of Lot 2 DP 1226751 to locate the actual Orana Battery Energy Storage System, with right-of-carriageways being proposed over the remainder of Lot 2 DP 1226751 and Lot 2 DP 1136578, in order to provide vehicle access to the subject site. It is noted that the owner of both lots is Mr D A Baxter.

Figure 3-8 provides an indicative subdivision layout. However, there is no reference to the required Asset Protection Zone (APZ) for bushfire protection, which will need to be contained wholly within its boundaries and not located on adjoining allotments.

To assist Council processing a future Subdivision Certificate, the subdivision should form part of the consent, with relevant conditions imposed.

### **Bushfire Prone Land**

Although the subject site is not mapped as being Bushfire Prone, the subject land is bushfire prone by reason that the land has a grassland hazard present on the land.

The EIS report on page 143 identifies that the site is subject to a grassland hazard, and on page 145 measures are outlined, based on Planning for Bushfire Protection 2019 (PBP 2019), that will be implemented in the development, including a 10m APZ.

### **Lithium Ion Battery Fire Hazard**

Whilst the risk of a fire is low, actual lithium ion battery fires when they do occur are difficult to fight and extinguish. As the site has no reticulated water supply to assist fire-fighting operations, the development will need to undertake an appropriate hazard analysis in conjunction with the Fire & Rescue NSW to establish contingencies for fire-fighting.

The Preliminary Hazard Analysis Report prepared by Sherpa whilst establishing that the proposed development is not considered as 'potentially hazardous' in the context of SEPP (Resilience and Hazards) 2021, made the following recommendations:

1. That the O&M building be located at least 30.5 m away (100 feet) from the closest BESS enclosure.
2. That the investigation reports on the Victorian Big Battery Fire (occurred on 31 July 2021) be reviewed and the relevant findings be implemented.

3. That consultation with Fire and Rescue NSW (FRNSW) to ensure that the relevant aspects of fire protection measures have been included in the design. These may include:
  - (i) type of firefighting or control medium;
  - (ii) demand, storage and containment measures for the medium.

The Report advised that the above aspects were to provide input to a Fire Safety Study which may be required as part of the development consent conditions, for review and approval by FRNSW.

If you have any enquiries in this matter, please do not hesitate to contact Council's Manager Building & Development Services, Darryll Quigley during normal office hours, on 6801 4000.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Quigley', with a stylized flourish at the end.

*Darryll Quigley*  
Manager Building and Development Services