



# Submissions Report

PREPARED FOR

EQUIS ENERGY (AUSTRALIA) PROJECTS (NGUMI 4) PTY LTD AS TRUSTEE FOR EQUIS ENERGY (AUSTRALIA) NGUMI 4 HOLDING TRUST PTY LTD

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\* This document is for discussion purposes only unless signed and dated by the persons identified.  
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# Table of Contents

1	Introduction .....	4
2	Project Description.....	4
2.1	Supporting Documents.....	5
3	Analysis of Submissions .....	6
4	Actions taken since Exhibition .....	9
4.1	Engagement.....	9
4.1.1	Meeting with Tamworth Agricultural Institute.....	9
4.1.2	Meeting with Tamworth Regional Council.....	9
4.2	Field Work .....	9
4.3	Amendments to the Proposal.....	10
5	Response to Submissions .....	11
6	Updated Justification of project.....	37
6.1	Design of project .....	37
6.2	Consistency with strategic context .....	37
6.3	Compliance relevant statutory provisions.....	37
6.4	Community views about the project .....	38
6.5	Economic, social, environmental and cumulative impacts .....	38
6.6	Compliance monitoring and communication .....	39
6.7	Key uncertainties.....	39

## Schedule of Figures & Tables

TABLE 1 – Summary of Amended Documents and Plans .....	5
TABLE 2 – Summary of issues Raised .....	6
TABLE 3 – Response to Agency comments .....	11
TABLE 4 – Response to Council comments .....	19
TABLE 5 – Response to Stakeholder group submissions.....	27
TABLE 6 – Response to Individual submissions.....	28



# 1 Introduction

This Submissions Report relates to the proposed standalone battery energy storage system (BESS) with a storage capacity up to 300MW and 600MWh discharge capacity, and connection to the existing Tamworth substation via underground transmission cable, and ancillary works at 474 Calala Lane, Calala (the site) and has been prepared on behalf of Equis Energy (Australia) Projects (Ngumi 4) Pty Ltd as trustee for the Equis Energy (Australia) Ngumi 4 Holding Trust (Equis) (the Applicant). The project has been amended to address the concerns raised in submissions, and a description of the amendments proposed are outlined in the Amendment Report submitted in conjunction with this Submissions Report. This Submissions Report has been prepared to address the matters raised by the Department of Planning, Housing and Infrastructure (DPHI), public agencies, Council, and objectors. The State Significant Development Application (SSDA) was lodged with the DPHI (formerly the DPE) in November 2023 (SSD-52786213).

The SSDA was placed on public exhibition for 28 days between 16 November and 13 December 2023. Responses were received from 12 agencies, Tamworth Regional Council (TRC), three (3) stakeholder groups and 24 individual objectors (of which only two submissions were from residents within 5km of the BESS). This Submissions Report has been prepared in accordance with *the DPE State Significant Development Guidelines – Preparing a Submissions Report* (Appendix C) October 2022.

## 2 Project description

The proposed development has been amended since lodgement, with the amendments proposed addressed in the Amendment Report submitted in conjunction with this Submission Report. The proposal now seeks consent for a battery energy storage system with storage capacity up to 300MW and 600MWh discharge capacity. The key components of the development comprise the following:

- Site establishment including earthworks and installation of erosion and sediment control measures,
- Construction of a BESS with storage capacity up to 300MW and 600MWh discharge capacity comprising the following:
  - Battery modules,
  - High voltage connection asset,
  - Switchgears and transformers,
  - Control rooms and switchroom, and
  - Warehouse
- Installation of an underground transmission cable from the BESS to the Transgrid 330kV Tamworth substation,
- Vehicular access from Calala Lane,
- Tree removal and landscaping works, and
- Installation of a noise barrier on the western elevation and security fencing.

The BESS will operate 24 hours a day, 7 days a week. The project will be operated remotely with occasional maintenance activities undertaken between 7am and 6pm Monday to Friday or 8am to 1pm Saturday, with no work undertaken on Sunday or public holidays (except where urgent emergency maintenance is required).



## 2.1 Supporting documents

The following documents have been prepared to support this Submissions Report. This report also refers to other documents which have been amended to support the proposal, each of which are described in the Amendment Report being submitted concurrently with this Submissions Report. The documents responding directly to the submissions received are outlined in Table 1.

**TABLE 1 – SUMMARY OF AMENDED DOCUMENTS AND PLANS**

<b>Attachment</b>	<b>Document</b>	<b>Author</b>
<i>Appendix A</i>	Submissions Register	Mecone
<i>Appendix B</i>	Meeting Minutes – Tamworth Agricultural Institute	Mecone
<i>Appendix C</i>	Meeting Minutes – Tamworth Regional Council	Mecone
<i>Appendix D</i>	Noise and Vibration Response Letter	Marshall Day Acoustics
<i>Appendix E</i>	Water Management Response Letter	Northrop
<i>Appendix F</i>	Hazards Response Letter	Sherpa
<i>Appendix G</i>	Traffic and Transport Response Letter	Stantec
<i>Appendix H</i>	Land Use Conflict Response Letters	Edge Land Planning
<i>Appendix I</i>	Social Impact Assessment Addendum Letter	Urbis
<i>Appendix J</i>	Landscape Character Visual Impact Assessment	Envisage
<i>Appendix K</i>	Biodiversity Development Assessment Report	Biosis
<i>Appendix L</i>	Aboriginal Cultural Heritage Assessment Report	Biosis



### 3 Analysis of submissions

The SSDA was publicly exhibited between 16 November and 13 December 2023. There were seven (11) submissions received from public agencies, one (1) submission from Tamworth Regional Council, three (3) submissions from community groups, and 24 submissions from individuals. Of these 24 submissions only two (2) originated from submitters within 5km from the BESS site.

Submissions were received with comments or requesting additional information from the following agencies:

- Biodiversity, Conservation and Science Division (BCS),
- DPE Water, DPI Agriculture, and
- Heritage NSW

Transport for NSW raised no objections to the proposal but provided comments for the Department to consider in their assessment.

A response was received from the following agencies confirming they had no comments or raised no objections to the proposal:

- Crown Lands,
- DPE Hazards team,
- Fire and Rescue NSW,
- Mining, Exploration and Geoscience,
- Rural Fire Service,
- Siding Spring Observatory, and
- Transgrid.

Of the individual submissions received, the following breakdown is provided:

- A total of two (2) local submissions have been received. Local submissions are based on the objector being located less than 5km from the BESS site.
- A total of 2 (two) regional submissions have been received. Regional submissions are based on the objector being located between 5 and 100km of the BESS site.
- A total of 20 broader community submissions have been received. Broader community submissions are based on the objector being located greater than 100km from the BESS site.

The issues raised in the submissions are summarised in the table below. The concerns raised include adequacy of the Biodiversity Development Assessment Report, water sourcing and impacts, impacts on the Tamworth Agricultural Institute, property values and lifestyles, transition to renewable energy, economic and ethical concerns, health and environmental hazards, insurance and fire risk, visual and landscape impact, water and agricultural concerns, social and environmental issues, flora and fauna, decommissioning and compliance with Division 2.6 of the EP&A Act.

**TABLE 2 – SUMMARY OF ISSUES RAISED**

Issue Raised	Summary
Adequacy of the BDAR	Concern was raised through submissions that the Biodiversity Development Assessment Report (BDAR) submitted with the application requires additional information or amendments pertaining to the land category criteria, amended information entered into the BAM calculator, additional information regarding



	targeted surveys, and consideration of serious and irreversible impacts on several flora species.
Water supply source, works on waterfront land, and impact to groundwater	<p>Queries were raised through submissions related to the lack of information provided, particularly in relation to the source of water required for the construction and operation of the development.</p> <p>Concern was raised regarding the impact of the development which occurs on waterfront land. Comments were provided in relation to the works proposed at the access road that traverses Calala Creek, and the provision of sediment and erosion control.</p> <p>Comments were also provided regarding the potential for the development to reach groundwater during excavation associated with the construction of the development.</p>
Impact on the Tamworth Agricultural Institute (TAI)	<p>Concern was raised that the proposal has not addressed the potential impact of activities undertaken at TAI on the BESS such as dust.</p> <p>Concern was also raised that the proposal has also not considered the impacts of the BESS on TAI activities and any hazards imposed on TAI, with staff often working in the field.</p>
Destruction of Property Values and Lifestyles	Concern was raised through submissions on the impact of the project on the “way of life” in the community, particularly through the adverse impact on property values and the rural lifestyle of Calala.
Inadequacy of Renewable Energy Transition	Concern was raised in submissions regarding the cost to facilitate the renewable energy transition, as well as consideration of alternative energy sources (including nuclear).
Economic and Ethical Concerns (Cobalt Mining, Labor)	Concern was raised regarding cobalt mining and exploitation of the workforce in the industry.
Health and Environmental Hazards	Concern was raised in submissions relating to health and environmental hazards associated with BESS projects including EMF, chemical leaks, explosive gas, and fires.
Insurance and Fire Risk	Concern was raised regarding the potential for fire as a result of the proposed BESS and the off-site impact this will have on nearby properties and related insurances.
Visual and Landscape Impact	Concern was raised that the development will have a detrimental impact on the rural landscape and character of the area.
Water and Agricultural Concerns	<p>Concern was raised regarding the value of the land for agricultural purposes and the ability for land to continue to be used for agricultural purposes.</p> <p>Concern was also raised regarding water quality and management, and erosion and sediment control.</p>



Social and Environmental Issues (General)	Concern was raised regarding several social and environmental issues potentially arising from the proposal including noise, dust during construction, outdoor lighting and economic impact/jobs.
Flora and Fauna	Concern was raised regarding the impact of the development on biodiversity, with the potential impacts on vegetation such as Box Gum Woodland along the transmission route.
Decommissioning	Concern was raised regarding the decommissioning of the BESS and the potential for the project to be abandoned.
Compliance with Division 2.6 of the EP&A Act	Concern was raised that the proposal is inconsistent with Division 2.6 of the EP&A Act concerns community participation requirements.



## 4 Actions taken since exhibition

In response to the key issues raised within the submissions, minor design refinements and clarifications have been made to the proposed development since public exhibition. This section summarises the actions that have been taken and the changes that have been made to the project since its public exhibition. Details of proposed changes are included within the Amendment Report submitted in conjunction with this Submissions Report.

### 4.1 Engagement

Since exhibition, consultation has been undertaken with Tamworth Agricultural Institute and Tamworth Regional Council. A summary of the matters discussed are addressed below and in Attachments 2 and 3.

#### 4.1.1 Meeting with Tamworth Agricultural Institute

A meeting was held with Tamworth Agricultural Institute (TAI) on 11 January 2024. A copy of the meeting minutes is provided in Appendix B of this Submissions Report.

#### 4.1.2 Meeting with Tamworth Regional Council

Several meetings and ongoing engagement have been held with TRC on 12 January, 24 January, 19 February and 23 April 2024. A copy of the meeting minutes from each meeting is provided in Appendix C of this Submissions Report.

Further to the above, Equis have consulted with TRC following DPPI's request for information regarding access routes to and from the site. A copy of the email correspondence is also provided in Appendix C of this report.

The meetings held with Council aim to respond to the key concerns raised in their submission. A response to each of the matters raised by Council is provided in Table 4.

### 4.2 Field work

Following exhibition and in response to the submissions received, various consultants have undertaken additional field work to assist in the preparation of their response letters attached to this Submissions Report. A summary of the additional field work is provided below:

- Envisage Consulting attended the site for consideration of the actual view from R9 and R10 (i.e. from within the property rather than the nearest public viewpoint) for inclusion in the Landscape Character and Visual Impact Assessment.
- Biosis (ecology team) attended the site to undertake targeted flora surveys.
- Biosis (heritage team) attended the site to undertake additional Aboriginal cultural heritage surveys.
- Stantec attended the site and surrounding roads to inspect alternative heavy vehicle access route/s suggested by Tamworth Regional Council.

The outcome of each of the above consultants' additional field work is discussed further throughout this Submissions Report and their respective inputs in the appendices.



## 4.3 Amendments to the proposal

The proposed development has been amended in response to the submissions received and is described in detail in the Amendment Report submitted in conjunction with this Submissions Report. A summary of the key changes is provided below:

- A reduced number of battery enclosures from 900 to 164.
- A reduced battery storage and discharging capacity from 300MW / 1200MWh to 300MW / 600MWh.
- The removal of the noise barrier from the northern elevation.
- The removal of the 4m tall nearfield HV transformer noise barriers.
- The provision of a landscaped mound along the western interface approximately 130m long and 5m tall.
- Retention of existing vegetation along the southern boundary.
- Provision of additional landscaping along the southern, western, and northern boundaries of the BESS.
- Minor realignment of the underground transmission cable at 474 Calala Lane, Calala.
- Minor benching and augmentation works at the existing Tamworth Substation located at 707 Burgmanns Lane, Calala.
- Use of the existing dwelling on site for the purposes of a temporary site office during construction.
- Widening of the site access point.
- Nomination of larger temporary laydown, storage and parking area during construction.
- Minor reconfiguration of the high voltage connection asset.

Refer to the detail in the Amendment Report for further detail on the amendments proposed.



## 5 Response to submissions

This section provides a detailed summary of the Applicant’s response to the issues raised in submissions. The response has been structured to provide a response to each of the key issues raised by the relevant agencies, community groups and individuals.

Table 3 below provides a response to each of the comments provided or issues raised by agencies.

**TABLE 3 – RESPONSE TO AGENCY COMMENTS**

Agency	Comment	Response/Action
Biodiversity, Conservation and Science Division	<p>The application of land category criteria (Local Land Services Act 2013) and the evidence relied upon is unclear in some instances. Clarification is required to either confirm:</p> <ul style="list-style-type: none"> <li>• categorisation of certain portions of the development footprint as Category 1 – exempt, or</li> <li>• areas where the biodiversity assessment method (BAM) should be applied. Note that these areas may not generate any biodiversity credits.</li> </ul>	<p>Biosis has undertaken a review of land categorisation as requested by BCS. Boundaries of Category 1 and Category 2 land have been adjusted to ensure all Category 2 – vulnerable regulated on the transitional Native Vegetation Regulatory map have been designated as such.</p> <p>Land at the entrance to the subject land off Calala Lane has been mapped as Category 2 land containing non-native vegetation or native vegetation.</p>
	<p>Two landscape context factors (native vegetation extent and patch size) entered into the Biodiversity Assessment Method Calculator (BAM-C) require revision to demonstrate compliance with the BAM.</p>	<p>Details of the methods used to calculate native vegetation cover have been updated in Section 2.1.1.</p> <p>Native vegetation cover has increased from 6% to 18%.</p> <p>All additional ecosystem credit species and species credit species have been assessed.</p> <p>Section 4.2.1 of the BDAR includes a recalculation of the patch size of PCT_599_Woodland to reflect the updated vegetation mapping within the subject land mapping of native vegetation cover.</p> <p>All vegetation zones are now considered to have a patch size of ≥100 ha.</p>
	<p>Additional information is required to check whether targeted surveys for Hawkweed and Bluegrass were done during suitable conditions.</p>	<p>Section 4.2.1 of the BDAR has been updated to detail the suitability of survey conditions. Broadly, the timing of both survey rounds (February 2023 and February 2024) is considered suitable for detection of Bluegrass and Hawkweed. Noting that only the 2024 survey need be relied upon for survey within the development footprint.</p> <p>Species polygons for all targeted flora species have been updated to reflect the</p>



		results of targeted survey undertaken in February 2024.
	<p>Serious and irreversible impacts (SAII) are unlikely based on BCS's preliminary SAII assessment. However, additional information and updates to the BDAR are requested regarding identification of the White box, Yellow box, Blakely's red gum Critically Endangered Ecological Community and proposed mitigation measures for that community.</p>	<p>Table 3 in Section 3.1.6 of the BDAR has been updated to further detail how PCT 599 satisfies the NSW Scientific Committee Final Determination of ecological community. This includes analysis of plot data collected within PCT 599.</p> <p>Additional plot data was collected, and land categorisation mapping was updated accordingly to reflect the distribution of Box Gum Woodland within the subject land.</p> <p>All Box Gum Woodland has been mapped as Category 2 land.</p> <p>All figures, SAII, spatial data, and BAM-C calculations have been updated as necessary.</p> <p>Section 7 of the BDAR has been updated to include provision of a Biodiversity Management Plan (BMP) to guide rehabilitation works for Box Gum Woodland.</p> <p>The area that is proposed to be subject to rehabilitation works has been added to Figure 10.</p> <p>Appendix 5 of the BDAR has been updated to reflect:</p> <ul style="list-style-type: none"> <li>• The revised coverage of Box Gum Woodland within the subject land resulting from subject land boundary change and additionally plot data collection.</li> <li>• Revised mitigation measures in Section 7.</li> </ul>
Department of Planning and Environment - Water	<p><b>1.0 Water Supply</b></p> <p>The proponent should provide clarification on the ability to obtain a secure water supply for the project. Based on the information provided in the project's EIS, the water supply for the project is proposed to be sourced from Tamworth Regional Council and or bore and farm dams. However, none of these water supply options have been confirmed. The project needs to confirm a secure water supply prior to determination. This is to include relevant agreements where required and to demonstrate sufficient water entitlements can be acquired where necessary. Where the water is to be sourced</p>	<p>The Water Management Report presents multiple potential sources for water during the project's construction and operation, without committing to a specific one. Water demand is projected at 14.9 megalitres (ML) in the first year of construction, with a total of 22.3 ML over the 18-month construction period.</p> <p>Three possible water sources have been identified for the contractor, subject to necessary agreements and approvals:</p> <ul style="list-style-type: none"> <li>• Council water supply, which is abundant but costly due to transportation needs.</li> </ul>



	<p>from a currently unauthorised source and/or where additional water take infrastructure is required e.g., a bore, an impact assessment of this infrastructure development and water take will be required.</p>	<ul style="list-style-type: none"> <li>• Water from existing farm dams and a proposed sediment basin, which could cover the construction water demand approximately 74% of the time, weather permitting.</li> <li>• Groundwater from licensed bores on the property, although current licensing does not cover the intended use, thus requiring additional approvals.</li> </ul> <p>Contractors are motivated to select the most cost-effective water supply option, utilising their local knowledge and contacts, and must adhere to standard approval procedures. It is advised against making a definitive decision now that would restrict the contractor's options. Please refer to Northrop's letter dated 7 February 2024 for additional details.</p>
	<p>If water captured by a dam will be utilised as a water supply option for the project's dust suppression, the proponent needs to review the dam to ensure that it is located on a minor stream and is either:</p> <ul style="list-style-type: none"> <li>• consistent with the Maximum Harvestable Rights Dam Capacity of the property,</li> <li>• satisfies an exclusion under Schedule 1 of the Water Management Regulation 2018, or</li> <li>• is to be considered for water licensing.</li> </ul> <p>A farm dam has been mentioned as a water supply option for the project. If a farm dam will be utilised as a water supply option for the project, its status within the water regulatory framework needs to be established.</p>	<p>Based on the WaterNSW Maximum Harvestable Rights Calculator, the maximum water that can be collected for the site in question is 2.54 megalitres (ML), considering its size and location. The site features two small farm dams with a combined volume of 2.35 ML, determined by their respective areas and average depths. It's noted that water from these dams can be utilized for non-potable purposes, such as dust suppression and landscape irrigation. A water balance analysis has been performed, taking into account variable weather conditions, to ensure adequate water supply from these dams. Should there be a shortfall, it is suggested that additional sources like council water supply or groundwater may be necessary. Please refer to Northrop's letter dated 7 February 2024 for additional details.</p>
<b>2.0 Controlled activities on waterfront land</b>		
	<p>The proponent should review works proposed within waterfront land (40m of a watercourse) to demonstrate consistency with the Guidelines for Controlled Activities on Waterfront Land.</p> <p>The Water Management Report for the project states that once the project is approved, the stamped plans will need be submitted as part of a Controlled Activity Approval application to DPE-Water. This is not supported because the impact of works</p>	<p>Two instances where project activities intersect with waterfront land are identified:</p> <ol style="list-style-type: none"> <li>1. A stabilised swale outlet from the proposed sediment pond/wet basin, designed to flow through the riparian zone into Calala Creek. Although not depicted in the initial EIS submission, this feature is indicated in the supplemental drawings.</li> </ol>



	<p>on waterfront land needs to be considered as part the project's SSD assessment.</p> <p>If approved, the project will be exempt from the need to acquire a Controlled Activity Approval from DPE-Water under Section 4.41(1)(g) of Environmental Planning and Assessment Act 1979. However, for the exemption to apply to the Project, the proponent needs to consider the Guidelines for Controlled Activities on Waterfront Land for all works that occur on waterfront land (including minor watercourses), prior to determination.</p> <p>The Guidelines are available at:  <a href="https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines">https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines</a></p>	<p>2. A permanent access road that traverses the riparian zone and channel of Calala Creek, as shown in the civil engineering drawings by Sky Engineering.</p> <p>Both elements are subject to guidelines relevant to their respective functions — outlet structures for the swale and watercourse crossings for the access road. An assessment of the outlet structure and the watercourse crossing is provided in Appendix 4 of Northrop's letter dated 7 February 2024 for additional details.</p>
<b>3.0 Groundwater interception and licencing</b>		
	<p>The proponent should clarify whether groundwater will be intercepted due to the project's excavations.</p> <p>The project will require excavations to provide suitable pad areas to accommodate the BESS infrastructure, however, there has been no assessment of whether groundwater will be intercepted by the project's excavations. If groundwater interception will occur due to the project's excavations, the maximum volume will need to be quantified and a Water Access Licence with sufficient entitlement to account for the groundwater take must be obtained, unless an exemption applies.</p>	<p>The deepest excavation required for the BESS earthworks pad will be 2 metres. According to the geotechnical report from Douglas Partners, the groundwater level is at least 4 metres below the surface, making it highly unlikely that earthworks will encounter groundwater. However, should groundwater be intercepted during excavation, it is recommended that a contingency condition be included in the project's consent, requiring a groundwater management plan (dewatering) to be implemented. Refer to Northrop's letter dated 7 February 2024 for additional details.</p>
<p>Department of Primary Industries – Agriculture</p>	<p><u>Noise</u></p> <p>The Noise and Vibration Assessment has considered the potential impact of the BESS on residential land uses however it does not appear to have addressed impacts on the operations of the Tamworth Agricultural Institute (TAI). It is requested that the potential impacts of noise from the BESS on livestock (sheep) grazing in adjacent paddocks and researchers undertaking field work (not operating machinery) are addressed.</p>	<p>Marshall Day Acoustics responded to concerns regarding noise impacts from the BESS on the TAI with a technical memo and an updated noise contour diagram – refer to Appendix D of this report. The diagram illustrates the TAI's location and its residential accommodations. Given the absence of a specific receiver category in the NPfl matching TAI's operations, a conservative approach was adopted by classifying TAI as a 'commercial' receiver. This classification set an amenity noise level target of 65 dB L<sub>Aeq</sub> at the TAI's western boundary, nearest to the BESS. A supplementary Environmental Noise Assessment has been prepared by Sonus in response to the new proposed battery make and model – refer to Supplementary</p>



		<p>Environmental Noise Assessment that accompanies the Amendment Report. The report confirms that the acoustic impact at the TAIs' western boundary will remain below 65 dB LAeq. Additionally, the residential accommodations located on the eastern side of Marsden Park Road are subject to a stricter amenity noise level of 35 dB LAeq. The analysis also indicates that this requirement will be met. Consequently, the predicted noise levels for both the TAI operations and the residential accommodation adjoining the site will comply with the NPfl noise limits, ensuring negligible impact from the BESS project.</p>
	<p><u>Impact of TAI Activities on the BESS</u></p> <p>The Land Use Conflict Risk Assessment has not addressed the potential impact of DPI activities at TAI on the BESS. Such impacts may include dust generated from agricultural machinery etc. It is requested that the potential for activities at TAI to impact on the BESS and any necessary mitigation measures that need to be implemented in the construction of the BESS are considered in the response to submissions.</p>	<p>In response to concerns about the potential impact of the TAI activities on the proposed BESS, Edge Land Planning prepared a letter addressing the concerns raised – Refer to Appendix H. The letter documents a discussion with the TAI Manager which indicates the presence of small research plots and structures, including greenhouses, a machinery shed, shipping containers, and a shearing shed within proximity to the BESS site.</p> <p>Concerns regarding dust from TAI's agricultural operations and potential livestock breaches were also considered. Given the small scale of the cropping activities and the dominant wind directions, any dust impact to the BESS boundary is expected to be negligible. Moreover, the BESS will rely on IP66-rated battery enclosures to ensure that its operations remain unaffected by dust.</p> <p>Overall, Edge Land Planning's evaluation concludes that the potential impacts of TAI activities on the BESS are minimal and effectively mitigated through existing measures, with no need for adjustments to the risk assessments or mitigation strategies.</p>
	<p><u>Impacts on TAI Activities</u></p> <p>The EIS does not indicate whether the location of the BESS will have any impact on future activities or infrastructure that may be undertaken at TAI. The potential for future buffer areas or easements around the BESS which may restrict the activities undertaken by NSW DPI at TAI or the establishment of new infrastructure on TAI is requested to be</p>	<p>As noted above, extensive consultation and engagement has been undertaken with TAI and additional assessments have been undertaken to confirm there will be no adverse impact on TAI.</p> <p>Further review of the Noise and Vibration Assessment by Marshall Day Acoustics concluded that noise emissions from the</p>



	<p>detailed in the response to submissions. It is strongly suggested that consultation with NSW DPI be undertaken in this regard to understand the potential activities that may occur at TAI.</p>	<p>BESS would not adversely affect livestock or researchers at TAI. This is supported by the letter prepared by Edge Land Planning dated 14 March 2024 (Appendix H). A further letter has been prepared by Edge Land Planning dated 6 May 2024 confirming a review of the supplementary Environmental Noise Assessment prepared by Sonus has been undertaken and the initial findings of the letter prepared by Edge Land Planning dated 14 March 2024 remain current and does not need to be revised.</p>
	<p><u>Hazard impacts on TAI</u></p> <p>The EIS and supporting studies have considered the potential hazards that may arise from the proposed BESS on the surrounding residential land uses however it does not appear to have considered the potential for hazardous impacts (fire, exposure to EMF) on TAI staff or activities. It is requested that the potential hazards that may be faced by TAI are addressed in the response to submissions.</p>	<p>In response to the submission by the Department of Primary Industries – Agriculture, Sherpa Consulting has conducted additional risk analyses regarding the impact of potential hazards on the Tamworth Agricultural Institute (TAI) from the proposed BESS.</p> <p><u>BESS Fire:</u> Analysis of heat radiation from a potential BESS fire indicates that at a distance of 15 meters, the level of heat radiation at 1.5 meters high is significantly below thresholds for injury, fatality, and structural damage. Given the TAI's nearest boundary is 35 meters away, it is concluded that a battery fire will not pose a risk to TAI staff.</p> <p><u>Toxic Gas:</u> In the event of a BESS fire, there is a risk of generating toxic hydrogen fluoride (HF) gas due to battery decomposition. Risk modelling shows that the distances for potential injury and irritation are 10 meters and 23 meters, respectively. Given the TAI's nearest boundary is 35 meters away, it is concluded that toxic gas generation will not pose a risk to TAI staff.</p> <p><u>EMF Exposure:</u> An assessment of EMF exposure, completed as part of the preliminary hazard analysis, confirms that EMF levels will not exceed the International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards for occupational exposure. Additionally, due to rapid attenuation, public exposure levels, including those at the TAI, will also remain below ICNIRP reference levels.</p> <p>Therefore, the analyses indicate that the BESS project will not result in notable off-site</p>



		impacts affecting the TAI. Refer to the accompanying letter in Appendix F prepared by Sherpa Consulting dated 15 February 2024 and the Preliminary Hazard Assessment prepared by Sherpa in Appendix I of the Amendment Report for further detail.
Heritage NSW	<p>The Aboriginal Cultural Heritage Assessment Report (ACHAR) outlines that the project will not result in harm to any recorded Aboriginal archaeological object nor to any areas of identified archaeological potential. Heritage NSW broadly agrees with the proposed Management Strategy and Recommendations provided in the ACHAR. However, to ensure that the ACHAR complies with the relevant guidelines, please provide further information in relation to Recommendation 2. This recommendation specifies that a copy of the ACHAR should be provided to the RAPs and that the proponent should consider all comments received. Please confirm whether RAPs have been provided with a copy of the final ACHAR and address how any comments received will be considered.</p> <p>We would like to remind you that Heritage NSW requires that consultation with Registered Aboriginal Parties is continuous. Under our guidelines, breaks in consultation of over six months may not constitute continuous consultation. If an unexplained break of greater than six months has occurred, the applicant may be required to restart the consultation process.</p>	An updated ACHAR is provided in Appendix L of this Submissions Report which provides evidence of a copy of the ACHAR being provided to RAPs with any comments received being considered. Consultation and engagement with the RAPs has been ongoing and will continue throughout the project.
Transport for NSW	<p>Provides comments raising no objections to the proposal. TfNSW provides the following comments:</p> <ol style="list-style-type: none"> <li>1. The TIA identifies that the final details on the proposed OSOM movements will be provided in the Traffic Management Plan (TMP). If road infrastructure such as medians, road widening or any other road upgrades are required to the classified road network which are identified Post-Consent within the TMP, then a modification will be required to obtain development consent for the additional scope of work required for the OSOM road infrastructure upgrades. TfNSW advises the review of the road infrastructure upgrades</li> </ol>	Stantec has investigated alternative routes for OSOM vehicles in consultation with TfNSW and TRC. Following a site visit and associated observations, sections of the Council's recommend route contain unsealed/gravel roads and in the sections that are sealed, there are multiple instances of rutting and potholes and is therefore not ideal for heavy vehicle and OSOM use. The OSOM access route therefore remains unchanged and a detailed assessment of OSOM movements are detailed in the accompanying traffic response letter in Appendix G prepared by Stantec.



	required for the OSOM movements occurs as a part of the EIS to avoid the requirement for a modification.	
	2. In relation to Point 1, the Bell Street overbridge and medians will potentially be impacted and will need to be reviewed to ensure that the structures are able to accommodate the OSOM vehicle movements for the Calala BESS.	OSOM vehicles are expected to be able to traverse the Bell Street overbridge provided they travel at 10km/h in the centre of the bridge without any sudden braking, while the operator ensures that the load passes over barriers. Following development consent, an application will be made to the National Heavy Vehicle Regulator for formal assessment and approval. Refer to the accompanying traffic response letter prepared by Stantec in Appendix G for further detail.
	3. The parking provision of 60 formal spaces for workers is below the maximum number of workers that is expected during peak construction. TfNSW notes that informal parking will be available and recommends discussing the proposed parking provision with Council.	For the majority of the construction period (16 of 18 months), the provision of 60 on-site parking spaces will exceed the daily number of construction workers. However, during the peak period (2 months), an estimated 68 to 85 workers will be on-site, necessitating carpooling for up to 25 workers (30% of staff) to manage the parking demand. Equis is dedicated to promoting carpooling to reduce vehicle movements and parking needs. Post-development approval, Equis will devise a workforce accommodation strategy to mitigate cumulative impacts on local accommodation, enabling easier carpool coordination by potentially co-locating staff accommodation. An on-site drop-off and storage facility will alleviate the need for personal vehicle storage. Additionally, informal parking can be expanded as needed, with a strict no public road parking policy enforced by the contractor. Council has not expressed concerns regarding construction worker parking, affirming that the planned 60 parking spaces will adequately address the construction phase's parking impact. Refer to the accompanying traffic response letter prepared by Stantec in Appendix G for further detail.
Crown Lands	Confirms no Crown land is contained within the project footprint but adjoins Crown land to the east occupied by NSW Department of Primary Industries Research Centre. Crown Lands recommends contact with the agencies utilising the facility, however Crown Lands	Noted – no further action required. The adjoining Crown land to the east is occupied by Department of Primary Industries – Agriculture and their comments are addressed above.



	has no comments or objections to the proposal.	
DPE Hazards team	Provides general comments raising no objections to the proposal and recommended conditions of consent.	Noted – no further action required.
Fire and Rescue NSW	Provides general comments raising no objections to the proposal and recommended conditions of consent.	Noted – no further action required.
Mining, Exploration and Geoscience	MEG provided a response confirming they do not have any comments or objections to the proposal.	Noted – no further action required.
Rural Fire Service	Provides general comments raising no objections to the proposal and recommended conditions of consent.	Noted – no further action required.
Siding Spring Observatory	Confirmed there is no impact on Siding Spring Observatory and raised no objections to the proposal.	Noted – no further action required.
Transgrid	Transgrid confirmed they are actively engaged with Equis and raise no objections to the proposal.	Noted – no further action required.

Table 4 below provides a response to the comments provided by Tamworth Regional Council.

**TABLE 4 – RESPONSE TO COUNCIL COMMENTS**

Agency	Comment	Response/Action
Tamworth Regional Council	<p><u>General</u></p> <p>Tamworth Regional Council (TRC) is generally supportive of renewable energy initiatives; however, it is also cognisant of the potential of these projects to result in significant and long-term adverse impacts on local communities within the Tamworth Region.</p> <p>This Project is a large renewable energy development and therefore has relevance at a global, national and regional scale. The development follows the trend (mega-trend) away from fossil fuel and toward renewable energy power generation.</p> <p>Council's Blueprint 100 Document Part 1 (Action 6.5) and Part 2 – Local Strategic Planning Statement identifies renewable energy as being important issues and goals in the region. This is also in accordance with the Department of Planning Industry and Environment New England North West</p>	Noted.



	<p>Regional Plan 2041 which identifies the potential for the region to become a renewable energy hub of NSW.</p> <p>Although most of the Tamworth Region is outside the New England Renewable Energy Zone (REZ), its proximity has led to a large interest in establishing renewable energy projects in the area. It is noted that this Project does not fall within the New England REZ but would be an integral part of the overall renewable energy framework associated with the broader New England region.</p> <p>Council recognises the potential benefits to the community of a project of this scale with a capital investment value exceeding \$30 million. Council also recognises there will be impacts arising from the Project, particularly for local residents. With this in mind, the following comments are raised regarding this specific project.</p>	
	<p>1. <u>Visual Impact</u></p> <p>It is noted that the Landscape and Visual Impact Assessment (LVIA) Report found that the Project will have low to moderate visual impact on non-associated dwellings and public viewpoints. Mitigation measures have been recommended in the Report to limit the visual impact from the Project. Such mitigation measures include but are not limited to the retention of existing vegetation and new supplementary planting, colour recommendations and implementation of lighting design principles. Council supports the identified mitigation measures and advises that the Proponent strongly consider any additional concerns raised by community members within visual proximity to the development site.</p>	<p>Council's comments on the LCVIA are noted. The proposal has been amended to reduce the BESS footprint and incorporate various additional measures to mitigate visual impact of the proposed development, including a grassed mound to the west of the BESS, and additional planting of trees in accordance with the plans submitted with the revised LCVIA. These additional mitigation measures are considered sufficient for the purposes of mitigating visual impacts of the proposal.</p>
	<p><u>Traffic Impacts</u></p> <p>TRC has reviewed the Traffic Impact Assessment (TIA) for this development noting that there was limited consultation with TRC officers prior to this TIA being available.</p> <p>The proposed access route from Newcastle in the south, are primarily via the State Road network. However, the "last mile" portion of the access route will impact on local roads that are managed by TRC.</p> <p>The TIA has concluded that the existing road network has the capacity to cater for the projected project traffic without the need for any other upgrades, save for provision of a suitable crossover</p>	<p>Stantec has investigated alternative routes for heavy vehicles in consultation with TfNSW and TRC. A further alternate route with greater ability to accommodate heavy vehicles has been identified and it is proposed as the primary heavy vehicle route to/from the site. This route generally begins from the State road network at New England Highway north of the site, and then consists of Nundle Road, O'Briens Lane and Calala Lane. The route between Goonoo Goonoo Road, Whitehouse Lane, Ascot-Calala Road, Burgmanns Lane, Burgess Lane and</p>



	<p>and access leg into the site from Calala Lane. The nominated route utilises the eastern portion of Calala Lane, from Goonoo Goonoo Road, via the urbanised and constrained centre of Calala. Given the intensity of abutting development and the constrained nature of the road carriageway, in so far as heavy transport and OSOM access is concerned, <u>TRC does not support the route selection though the suburb of Calala</u>. Instead, it is recommended that the site be accessed via Whitehouse Lane, Ascot-Calala Road and / or Burgmanns Lane. We note that this is the same route that has been discussed with the proponents of two other nearby BESS proposals.</p> <p>TRC notes the potential for the battery cells and associated infrastructure to be transported by rail i.e., via the Rail Intermodal Site at the Tamworth Global Gateway Park. If this is an option, most of the transport burden will be removed from the State Road network, but it will be necessary to provide detail in respect of the road transport options between the intermodal and the development site.</p>	<p>Calala Lane is not ideal for heavy vehicle and OSOM use. This route was considered as a secondary route but is not proposed to be used and has therefore not been included for assessment in the letter in Appendix G prepared by Stantec.</p> <p>As such, all heavy vehicles will be required to travel to the site via the nominated route in the letter prepared by Stantec. If O'Briens Lane becomes flooded from the Peel River, it is highly likely that Calala Lane and surrounding roads would be flooded and can only be used for emergency egress from the site. Council has confirmed that Tamworth is near the top of the catchment, therefore floods move quickly. O'Briens Lane would likely be unavailable for 1 day or less, or up to 1-2 days during a heavy rain event. Therefore, traffic movements would be required to cease in times of flood until the flood waters recede and safe access to the site is reinstated.</p> <p>The OSOM route remains unchanged. The above approach to OSOM and heavy vehicle access has been mutually agreed to following consultation with Tamworth Regional Council. It is also noted that Equis concluded that rail transport for the project is economically unfeasible due to high costs from container size limits, frequent loading/unloading, and lack of economies of scale for this one-off project. Refer to the accompanying traffic response letter prepared by Stantec in Appendix G for further detail.</p>
	<p>2. <u>Hydrology and Water Resources</u></p> <p>Consideration should be given to the potential operational water demands of the Project in regard to dust suppression for any unsealed internal access roads and the ongoing maintenance of any supplementary landscaping.</p>	<p>The operational stage's first-year water demand is estimated to be 4.33ML, which represents a worst-case scenario. Water requirements in this year may fluctuate, with potential high usage on hot, dry days and little to no demand following rainfall. The peak demand is expected during summer. Beyond the first year, as the site stabilises and irrigation for vegetation ceases, water demand will</p>



		<p>substantially decrease. The ongoing water use will be minimal, mainly for annual fire system testing, estimated at 10kL per year to replenish the tanks. Refer to Northrop's letter dated 7 February 2024 in Appendix E for detailed calculations of water usage during the construction and operational phases of the project.</p>
	<p><b>3. <u>Stormwater Management</u></b></p> <p>TRC has reviewed the Water Management Report for this development. The report identifies two blueline watercourses within the site, one of which (Calala Creek) needs to be crossed by the proposed access track.</p> <p>The site management consists of collection and conveyance systems directing runoff to a proposed wet basin. The stated objectives are to capture sediment from unsealed areas (during the establishment, operation and decommissioning phases), and to trap pollutants from battery cells in the event of a fire. The nominated water management plan should be updated to require:</p> <ul style="list-style-type: none"> <li>• The treatment of potentially turbid water generated by the unsealed access track, which is located downstream of the proposed wet basin. Sediment basins could be incorporated upstream of the interface with Calala Creek.</li> <li>• Definition of the overflow channel alignment from the proposed basin, including details of the discharge arrangement to Calala Creek.</li> <li>• Incorporation of a staged throttled outlet above the permanent water level on the wet basin (piped outlet in combination with higher level overflow weir) to provide a detention function as well as a retention (sediment settling) function.</li> <li>• The incorporation of a mechanism for closing off the lower-level piped outlet (by way of a simple drop-in board or similar) would enhance the chances of successfully intercepting and removing contaminants from the basin in the event of fire damage to the battery cells.</li> </ul>	<p><b><u>Sediment Basins</u></b></p> <p>The road leading to Calala Creek is situated on predominantly flat terrain, which encourages water runoff to accumulate and move at a slow pace. This slow movement allows for sediment to naturally settle on the farm paddocks. Consequently, the implementation of sediment basins in this specific context is unnecessary.</p> <p><b><u>Overflow Channel Alignment</u></b></p> <p>The overflow channel is designed as a vegetated swale, which will lead into Calala Creek. The discharge point will feature a rip-rap outlet, constructed to integrate with the natural banks and bed of Calala Creek.</p> <p><b><u>Staged Throttle Outlet</u></b></p> <p>The integration of a staged throttled outlet above the permanent water level of the basin into the detailed design is considered both sensible and feasible. It is recommended that this is included as a condition of consent.</p> <p><b><u>Lower-Level Piped Outlet Closure Mechanism</u></b></p> <p>The inclusion of a closure mechanism for the lower-level piped outlet in the basin's design is deemed to be sensible and feasible. It is recommended that this is included as a condition of consent.</p>
	<p><b>4. <u>Erosion and Sediment Controls</u></b></p>	<p>The Erosion and Sediment Control Plans provided in the Civil Engineering drawings by Sky Engineering,</p>



	<p>The Applicant has indicated a commitment to prepare a Soil and Water Management Plan (SWMP) in accordance with the 'Blue Book' Volume 1 Managing Urban Stormwater: Soils and Construction (Landcom 2004). TRC stresses the importance of managing stormwater and soils to prevent offsite impacts and recommends the Applicant to look at synergies between managing the groundcover and stormwater runoff.</p>	<p>submitted with the Environmental Impact Statement (EIS), comply with the Blue Book, including a sediment basin, sediment fencing, and diversion drains with straw bale filters, alongside measures to divert run-on flows from upslope away from the construction area. Further discussion on erosion and sediment controls is found in the Water Management Report. Refer to Northrop's letter dated 7 February 2024 in Appendix E for further details.</p>
	<p><b>5. <u>Resource Use and Waste Generation</u></b></p> <p>The EIS commits to a detailed Waste Management Plan. TRC agrees this is necessary but wishes to comment on the timing. A detailed plan for managing the waste material during the construction phase needs to be developed in consultation with TRC prior to construction. The Waste Management Plan must include options for diverting recoverable or recyclable waste streams from landfill, including recoverable or recyclable options that are outside of the Tamworth Local Government Area. It also needs to detail all types of packaging and material from the construction phase. A condition requiring that the construction phase of the Waste Management Plan be approved prior to construction commencing is recommended.</p> <p>Further details of decommissioning must be provided and a requirement that information regarding decommissioning be updated during the life of the project be included in the conditions of any consent.</p>	<p>Council's comments are noted. A Waste Management Plan will be developed following consent being granted for the development. The WMP will incorporate any demolition, construction, ongoing and decommissioning phases of the development.</p>
	<p><b>6. <u>Decommissioning</u></b></p> <p>TRC seeks assurances, through conditions imposed on any approval, that it will not be left with any liability if the Project is not decommissioned as planned. For example, if the Project goes into a period of care and maintenance indefinitely. The preferred option is a bond for decommissioning that is established to prior to the commencement of any works. Another option could be a restriction on title for the decommissioning of the BESS.</p> <p>Whilst it is acknowledged that the Project is on freehold land, given the large area and high cost, it is outside the purview of the Project to warrant that the current or future landholders have capacity to decommission an abandoned BESS facility. Additional information on contingencies with the</p>	<p>At the end of the project's operational life, aboveground components will be removed, and the land rehabilitated to pre-development conditions. Decommissioning and rehabilitation will be managed via the development and implementation of a Decommissioning and Rehabilitation Plan as a normal requirement of development consent. In accordance with the NSW Draft Energy Policy Framework, the guidelines state that if an applicant fails to meet the decommissioning and rehabilitation obligations of the project's development consent, the department can use its enforcement powers under the EP&amp;A Act to address any breaches</p>



	<p>landholder undertaking the decommissioning would need to be included upfront in a Decommissioning Plan.</p>	<p>of the consent condition. Accordingly, additional assurances for the Tamworth Council are not required.</p>
	<p><b>7. <u>Planning Agreements</u></b></p> <p>TRC is supportive of a Voluntary Planning Agreement (VPA) for the Project to ensure there are local benefits as a result of the Project. TRC has recently adopted the following policy for VPAs for renewable energy projects:</p> <ul style="list-style-type: none"> <li>• The Proponent enters into a VPA consisting of a lump sum of 1.5% of capital value (adjusted annually for CPI), 50% of which is to be paid to TRC on commencement of construction and the remainder to be paid on an annual basis for the life of the development;</li> <li>• This payment be additional to any agreed community benefit sharing arrangement such as a community enhancement fund; and</li> <li>• TRC's preference is that any Community Enhancement Fund (and the like) be administered by a philanthropic Community Benefit Fund provider rather than Council, with Council holding a role as member.</li> </ul> <p>The EIS commits to continued consultation with the Applicant and TRC looks forward to these discussions.</p>	<p>During the preparation of the Project's EIS a number of technical assessments were prepared to understand the potential impacts associated with the Project. The technical assessments considered suitable management and mitigation measures to reduce the environmental, social and amenity impacts to acceptable levels for the nature, scale and size of the stand-alone BESS. None of the assessments considered the Project would create an additional burden or need to increase the demand for public amenities or services in the area.</p> <p>Nevertheless, Equis proposes to enter into a Voluntary Planning Agreement (VPA) with Tamworth Regional Council on the terms set out in the Offer Letter provided to Council on 14 March 2024, (as provided in Appendix C). The VPA Offer to Council consists of a monetary contribution of 0.31% of finalised Capital Investment Value, to be paid as a lump sum prior to commencement of construction. When making this offer, Equis considered the contributions offered by other BESS Projects in NSW within the last 24 months and Equis' understanding of market VPA offers for other renewable energy projects including Wallerawang BESS, Apsley BESS, Muswellbrook BESS, Great Western BESS, Awaba BESS, and Wellington BESS.</p> <p>Equis proposed a VPA contribution for the Calala BESS of 0.31% of CIV, in line with the CIV-weighted average of precedent VPA contributions in NSW over 2022/2023.</p> <p>Council has not yet made a determination on this offer.</p> <p>In addition to the VPA offer, Equis is considering a range of community</p>



		<p>enhancement opportunities as detailed under section 5.6 of the EIS.</p> <p>Equis considers the VPA offer to be fair and reasonable given the scale of impacts for the BESS are much lower when compared to renewable energy Projects such as wind and solar. Wind and Solar Projects are associated with greater extent of amenity impacts (for noise and visual impacts), longer construction and commissioning timeframes, larger volumes of construction vehicle traffic and impacts and cover a much larger site extent.</p> <p>The VPA offer is considered to be aligned with industry expectations. Were the Minister for Planning to impose a contribution that would apply in circumstances where there is a failure to reach an agreement with the TRC on a VPA, Equis would consider (for the reasons mentioned above) that an amount in the range of the VPA offer would be appropriate. This is considered consistent with the Department of Planning, Industry and Environment (DPHI)'s current and exhibited Draft Energy Policy Framework, which excludes stand-alone large-scale battery developments in relation to benefit-sharing requirements due the reduced scale of impact, as mentioned above.</p> <p>Equis is aware of another NSW Council area explicitly recognizing the reduced scale of impact from a battery energy storage system as opposed to other renewable energy projects. Specifically, Dubbo Regional Council that has a Renewable Energy Benefit Framework endorsing a policy supporting a lower VPA contribution for Battery Energy Storage Systems (0.5% of CIV) than for solar energy farms, wind energy farms, pumped hydro, hydrogen (1.5% of CIV).</p>
	<p>8. <u>Social and Economic Impacts</u></p> <p>The EIS commits to implementing the mitigation measures identified in Table 39, which come from</p>	<p>This has been updated and is submitted with this letter. Refer to the</p>



	<p>the Social Impact Assessment prepared by Urbis. It is noted that there is a typo in Appendix D 'Mitigation Measures Table' regarding the Table No. referenced in the EIS (i.e. should be Table 39).</p>	<p>Social Impact Assessment Addendum Letter prepared by Urbis in Appendix I.</p>
	<p>10. <u>Cumulative Impacts</u></p> <p>The EIS identifies that the Project may result in cumulative impacts in relation to noise, visual impacts, biodiversity and agricultural land. However, further consideration should be given to the cumulative impacts in terms of the availability of both workers and accommodation, particularly where the construction timeframe coincides with other renewable projects in the Region. There may be limited temporary accommodation in Tamworth during certain times of the year when the construction phase coincides with other events, such as the Country Music Festival in January.</p>	<p>The cumulative impacts of noise have been considered in the Noise and Vibration Impact and response letter prepared by Marshall Day (Appendix D) submitted with this submissions report, as well as the Supplementary Environmental Noise Assessment prepared by Sonus (Appendix K of the Amendment Report). The reports prepared include the required noise monitoring/ modelling to demonstrate that noise from the facility including cumulative impacts are within satisfactory limits at non-associated dwellings.</p> <p>The anticipated number of construction workers required for the project was detailed in EIS Appendix P Table 6.2. For the majority of the construction program, between three to 37 construction workers will be required on any given day. Peak workforce numbers are expected to occur over a four-month period, with between 68 and 85 construction workers expected on site each day. Due to the relatively low number of workers, an on-site camp is not required, and any non-local workers will use accommodation within Tamworth and the surrounds. Accommodation units will comprise a mixture of long-term rental dwellings, town houses, apartments and self-contained cabins with between 1 – 3 bedrooms each. Local content sourcing will be prioritised and a supplementary minimal reliance on short term accommodation may be used for short stay visits. As described in EIS Section 6.14.3 (and Amendment Report Section 6.8.7), the construction program is not expected to overlap significantly with other nearby projects or result in unassessed cumulative impacts. A detailed workforce accommodation strategy will be</p>



		prepared by the construction contractor subject to conditions.
	<p><u>Conclusion</u></p> <p>Whilst Council's current position is neutral on the Calala Battery Energy Storage System, it is mindful of the potential negative impacts such a large development can have on an existing regionally based community and the environment. Council requests that the requirements of the SEARS, and issues raised in this submission and by others, are appropriately responded to and addressed by the Department prior to any determination.</p>	The EIS submitted to DPPI with the SSD application and this letter provides responses to all agency comments and submissions from the public.

Table 5 below provides a response to the individual submissions received.

**TABLE 5 – RESPONSE TO STAKEHOLDER GROUP SUBMISSIONS**

Objector	Issue raised	Response/Action
Climate and Energy Realists Queensland	Fire Risk	An Emergency Management Plan will be prepared which will consider a range of hazards and risks associated with the operation of the BESS and provide suitable contingencies in the event of a hazard such as an explosion. BESS infrastructure has been demonstrated to provide suitable back up electricity in times of high demand, with the proposed BESS providing capacity for up to 2 hours of electricity if required.
GMR Energy	Were the annoying characteristics of the equipment assessed? What is the separation distance between the BESS units and inverter?	<p>The Noise and Vibration Impact and response letter prepared by Marshall Day (Appendix D) submitted with this submissions report, as well as the Supplementary Environmental Noise Assessment prepared by Sonus (Appendix K of the Amendment Report) considers the potential for annoying characteristics such as tonality in their assessments. The supplementary Environmental Noise Assessment prepared by Sonus for the Tesla Megapacks noted tonal penalties were not warranted (page 14).</p> <p>The separation distance between the BESS unit has been addressed through the replacement of the Wartsila and SMA battery model with the Tesla Megapack which is a fully integrated product and has no auxiliary inverters. Each battery module is separated by 2.44m as illustrated in Figure 6.2: Concept BESS layout – Clearance between units in the amended Preliminary Hazard Analysis prepared by Sherpa Consulting (Appendix I of the Amendment Report).</p>



<p>Save Our Surroundings (SOS)</p>	<p>Save Our Surroundings (SOS) objects to proposed BESS due to:</p> <ol style="list-style-type: none"> <li>1. Lack of research into the life-cycle of BESS</li> <li>2. Resource intensive requirements</li> <li>3. Involves slavery in mining and production</li> <li>4. Environmentally damaging</li> <li>5. Fire starting risks increased</li> <li>6. Fire-fighting dangers increased</li> <li>7. Local fire risks considerably increased</li> <li>8. Expensive</li> <li>9. Short life-span</li> <li>10. Variable operation</li> <li>11. Very little Australian content</li> <li>12. Increased energy and sovereign risks</li> <li>13. Roads and road travel are impacted</li> <li>14. Electricity charging and air-conditioning requirements are high</li> <li>15. Classed as hazardous goods</li> <li>16. No certainty at end of the short life of a BESS</li> <li>17. Increased dependency on intermittent electricity generation</li> <li>18. Poor viability</li> <li>19. Increase retail electricity prices.</li> </ol> <p>Please refer to the attachment for details.</p>	<p>The concerns raised in the submission relate to BESS projects generally, and not specifically the Calala BESS. Notwithstanding, battery energy storage systems provide supporting infrastructure for electricity in times of high demand, which is supported by NSW Electricity Infrastructure Roadmap, NSW Electricity Strategy, and the AEMO 2022 Integrated System Plan to aid in 'firming' the electrical grid. The EIS, Amendment Report and this Submissions Report are supported by technical consultant reports prepared by experts which support the proposal and demonstrate the suitability of the site with regard to environmental impacts, fires, feasibility, life span, road and travel impacts, hazards and viability of the development. The proposed development aligns with the strategic direction for renewable energy infrastructure in NSW and complies with the relevant requirements.</p>
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Of the 24 individual submissions received, 22 of the submissions are general in nature and do not contain sufficient grounds to require a detailed response. Notwithstanding, each submission has been responded to in Appendix A Submissions Register attached to this submissions report, however two (2) submissions received contain sufficient information to enable a detailed response. Submission 11 and Submission 22 are submissions from residents directly adjoining the subject site on Calala Lane and Burgess Lane respectively. Table 6 below provides a response to Submissions 11 and 22, with Appendix A providing a response to all other submissions received.

**TABLE 6 – RESPONSE TO INDIVIDUAL SUBMISSIONS**

Objector	Issue raised	Response/Action
	Distance from dwelling	All the assessments submitted within the EIS considered impacts to nearby dwellings. No impacts were



Submission 11 [Billie Spanswick]		considered adverse, all impacts could be managed and minimised to acceptable levels through suitable design considerations.
[Location: Calala, NSW]	Potential impact on bore water quality	The project is subject to the relevant legislation, policies and procedures for the storage and handling of chemicals and hazardous materials. Appropriate procedures and protocols will be in place for the correct storage and handling of dangerous goods and ensure the batteries are operating adequately. In addition, the proposed development includes construction of a detention basin at the northern boundary of the BESS site, which is designed to capture any runoff from the site and detain any contaminated liquids. In the event of an emergency, the basin will capture the contaminated material which will be appropriately treated and/or disposed of. An Environmental Management Plan will be prepared and developed for the BESS facility to manage risks of groundwater and soil contamination.
	Bushfire risk	The impacts of bushfire have been considered with the Bushfire Impact Assessment and the Preliminary Hazard Analysis prepared by Sherpa Consulting. The potential for explosion as a result of fire is minimal, and there is sufficient distance between the BESS and nearest residential property to minimise any potential impacts in the unlikely event of an explosion or fire at the site. The amended layout of the proposal increases the setbacks from adjoining properties and appropriate measures and fire fighting procedures will be in place to ensure the site is maintained to minimise the potential for bush or grass fires in the locality, including provision of a static water supply on site for fire fighting purposes. In addition, a comprehensive Fire and Emergency Management Plan in consultation with Fire and Rescue NSW and the local rural fire service will be prepared to ensure co-ordination and establish adequate procedures. The mitigation measures identified in the EIS and amended mitigation measures in the Amendment Report are considered appropriate and sufficient in minimising any potential impacts with regard to fires.
	Noise	The information submitted with the EIS, Amendment Report and this Submissions Report confirms the noise generated by the BESS is unlikely to be heard by the nearest residential receivers. At the completion of construction, a noise compliance test will be undertaken to ensure compliance with the relevant noise criteria outlined in the Noise and Vibration Impact and response letter prepared by Marshall Day as well as the Environmental Noise Assessment prepared by Sonus. Ongoing maintenance and management of the site will



		ensure the BESS infrastructure complies with the relevant noise criteria, including regular monitoring.
	Emergency vehicle access	An Emergency Management Plan will be prepared which will consider a range of hazards and risks associated with the operation of the BESS and provide suitable contingencies in the event of a hazard such as fire, flood or contamination.
	Construction effect on road quality	Prior to the commencement of construction, a dilapidation survey will be undertaken of Calala Lane to record the existing state of the road. This will be provided to council for their records to ensure the road is maintained to the same condition prior to the commencement of the proposed development.
	Depreciation in property value	The valuation of property is not a relevant consideration under the Environmental Planning and Assessment Act 1979. Notwithstanding, there is no evidence to suggest that a property value impact will materialise as a result of the project.
	Future Expansion	The balance of available land is not proposed to be further developed for other purposes and is currently grazed by cattle.  In the event that a potential future development is proposed, this would be subject to a further application for planning and environmental consent.
Submission 22 [John Sissons]  [Location: Calala, NSW]	Destruction of Property values and lifestyle	The assessment of impacts is considered with regard to the most sensitive receivers. For example, the Noise and Vibration by Marshall Day in Appendix D considers the impact of the most affected residents and implements mitigation measures to ensure minimal and acceptable impact. The supplementary Environmental Noise Assessment prepared by Sonus in Appendix K of the Amendment Report confirms the amended proposal always remains compliant with the relevant noise criteria.  The impact of the development on the landscape character of the area has been appropriately considered in the Landscape Character and Visual Impact Assessment, with mitigation measures implemented such as a selection of appropriate colour palettes landscaping setback along southern boundary, a 5m tall, grassed landscape mound and reduced size and scale of the BESS facility.  The impact of the project on the “way of life” in the community is substantially and comprehensively addressed in the Social Impact Assessment prepared by Urbis. Various mitigation measures are proposed to



		<p>reduce impact on the local community including perimeter landscaping along the northern, southern and western boundaries, specific colour palette choices for structures, and the implementation of lighting design principles.</p> <p>Supplementary and Addendum to both abovementioned reports have been prepared in support of this Submissions Report and the amended proposal. Both reports confirm the amended proposal results in an outcome that is improved or the same as originally assessed.</p> <p>It is an unreasonable expectation that a development of any scale will have no impact. It is considered that a “low” impact is equivalent to a ‘reasonable’ or ‘acceptable’ impact in the context of the development, not that there is no impact at all. For example, in the context of acoustic impact, a “low” impact is that below the thresholds in the Noise Policy for Industry, which specifies thresholds for rural areas, given their generally quiet nature. Furthermore, the acoustic assessment undertook a conservative “worst case scenario” where the BESS is operating at 100% capacity over a 24-hour period.</p> <p>The proposed community benefit initiative is not used to offset loss of amenity granted to neighbouring properties, as there is no scenario in which a negative impact is justified with reference to the proposed community benefit initiative in the EIS.</p> <p>The concerns relating to the bulk and scale of the development are understood to be primarily concerns relating to the visual character of the area, as the development will not result in any overshadowing impacts to the objector. The visual impact of the development has been appropriately considered in the Landscape Character and Visual Impact Assessment, with mitigation measures implemented (such as a selection of appropriate colour palettes and landscape screening). With regard to acoustic impact, and with the provision of noise barriers, the BESS does not exceed the relevant acoustic thresholds for nearby rural residential receivers. Each of these matters have been improved with the amended proposal as discussed in the relevant amended consultant reports appended to and discussed in this Submissions Report and the Amendment Report.</p>
	Land use zoning and size/scale of the project	The proposed BESS site is situated on RU4 zoned land; however, the objectives of the zone do not include a reference to residential housing. Rather, the objective



		<p>referred to in the submission relates to the nearby R5 zoned land (which does not apply to the project land or the objector land). It is noted that the objector's dwelling is situated on RU4 land, and that the BESS will not have an unacceptable impact on nearby R5 zoned land located to the west of Burgess Lane.</p> <p>The provision of electrical infrastructure on RU4 zoned land in proximity to R5 zoned land is not uncommon in Calala. The Transgrid Tamworth Substation, situated on RU4 zoned land, adjoins R5 immediately to the north. The distance between the substation and dwellings is substantially closer than that of the proposed BESS. It is acknowledged that the BESS will have some visual impact. However, the impact is considered to be reasonable in the circumstances and mitigated to an acceptable level.</p> <p>Electricity-generating works require consent from the relevant consent authority, who in this instance is the planning minister.</p> <p>In accordance with the amended Landscape Character and Visual Impact Assessment, landscaping is proposed along the northern, western and southern boundaries to effectively screen all sensitive views of the project, ensuring the BESS is not visually exposed in an open field.</p> <p>The BESS requires development approval from the planning minister.</p> <p>The accompanying acoustic assessments demonstrate that the operation of the BESS does not trigger the thresholds in the Noise Policy for Industry, which specifies thresholds for rural areas.</p> <p>Any future works or development on the site will be subject to future applications and environmental assessments, if proposed. There are currently no plans for other facilities or components.</p>
	Impacts and suitability of mitigation measures	<p>The BESS lifespan is 25 years, and as such the 30 year timeframe noted in the EIS includes construction and landscaping.</p> <p>Were possible impacts have been avoided or reduced via design, however where impacts need to be managed, mitigation measures will be implemented via a range of suitable Management Plans.</p>
	Visual impact	<p>Various mitigation measures are proposed to reduce the visual impact on surrounding residences. These mitigation measures will reduce the overall visual</p>



		<p>impact, but does not claim to eliminate any visual impact from any part of a surrounding property.</p> <p>With regard to landscape screening, the applicant has no control over the vegetation on the objector's site. However, the applicant has proposed additional landscape screening to the south and west on the project site to minimise any visual impact.</p> <p>It is acknowledged that the new landscaping would be significantly less effective at mitigating visual impact prior to maturity. However, new tree plantings are only one of a variety of visual impact mitigation strategies, and any residual visual impacts will be short term only.</p> <p>The amended Landscape Character and Visual Impact Assessment does not identify that the objector would experience any visual impact from the residence. As such, the sensitivity of the objector's residence to the BESS is non-existent.</p>
	Scale	<p>The scale of the BESS is reduced by the design's setback distances from the road and public realm. Screening will be provided to further reduce impacts. The BESS will be similar in scale to the existing Transgrid Tamworth Substation.</p>
	Attenuation wall and visual impacts	<p>The attenuation wall will be largely screened by proposed vegetation and the proposed landscaped mound, and any overshadowing would be minor and will not impact adjoining structures or land uses.</p> <p>The wall will be coloured a multi-shade dark grey in accordance with recommendations of the Landscape Character and Visual Impact Assessment.</p>
	External Lighting	<p>Outdoor security and emergency lighting will be included for safety, but the BESS will not be permanently lit at night. Any lighting will comply with Australian Standard AS4284 1997 – Control of Obtrusive Effects of Outdoor Lighting and principles of the Dark Sky Planning Guideline.</p>
	<b>NOISE</b> Amenity Noise Levels	<p>The EPA states that there is no evidence that noise impacts on amenity occur at levels lower than 35 dB(A).</p> <p>It is noted that the objectors state that they will be more significantly impacted by the noise from the BESS than other receivers. The impact on the objector's residence was specifically modelled in the Noise and Vibration Assessment, and acoustic mitigation measures (including the noise attenuation wall) were proposed to ensure the objector does not experience more than 35 dB(A) from their residence at any time. Therefore, there will be no material amenity impact as a result of noise.</p>



		Furthermore, there will be no material impact to the objector as a result of dust generation because the BESS does not require the disturbance of earth for its operation.
	During construction	The proposed construction hours are industry standard and reasonable. It is understood the objector will be home during the construction on most days. However, the predicted noise levels are typical of the range expected for a medium size infrastructure project in a semi-rural setting. Additionally, a Construction Noise and Vibration Management Plan (CNVMP) will be prepared with community consultation prior to works being undertaken.
	During operation	<p>The objector's residence, being Lot 7 DP244399 (as mentioned previously in the submission) is receiver R6. However, it is correctly identified that the minimum background level of 30dB for nighttime was relied upon in accordance with the Noise Policy for Industry.</p> <p>Once noise mitigation measures were modelled, the predicted noise level was less than the threshold by 1 dB(A) and therefore falls within the +5dB(A) threshold from the baseline, complying with the Noise Policy for Industry.</p> <p>At the completion of construction, a noise compliance test will be undertaken to ensure compliance with the relevant noise criteria outlined in the Noise and Vibration Impact Assessment prepared by Marshall Day and Supplementary Environmental Noise Assessment prepared by Sonus. Ongoing maintenance and management of the site will ensure the BESS infrastructure complies with the relevant noise criteria, including regular monitoring.</p>
	Future use of the property	Noise impacts associated with the proposal are assessed in the MDA and supplementary Environmental Noise Assessment prepared by Sonus and issued with this response, and demonstrates that the noise generated by the proposal will comply with the Noise Policy for Industry. The property is not rendered "compromised" or unusable.
	Property values	No technical studies were conducted to assess the impact of the BESS on property valuations as property value is not a relevant consideration under the <i>Environmental Planning and Assessment Act 1979</i> .
	Construction	The predicted construction noise levels are typical of the range expected for a medium size infrastructure project in a semi-rural setting. Additionally, a Construction Noise and Vibration Management Plan (CNVMP) will be



		prepared with community consultation prior to works being undertaken, and will aim to reduce the impact of construction in surrounding residences.
	Operation	The operation of the BESS will result in a 34dB(A) impact on the objector's property. The EPA states that there is no evidence that noise impacts on amenity occur at levels lower than 35 dB(A).
	Health and wellbeing	<p>The mitigation measures implemented to ensure that impacts on vulnerable groups are not exacerbated include the recommendations of the NVIA and the LCVIA. With the provision of noise barriers, the BESS does not exceed the relevant acoustic thresholds for nearby residential receivers, dust during construction will be suppressed using water, landscaping will reduce visual impact, and outdoor lighting will comply with AS4284 1997 – Control of Obtrusive Effects of Outdoor Lighting to minimise light spill onto sensitive receivers. These mitigation measures are identified in Part 6 of the EIS.</p> <p>The health and wellbeing section of the SIA relates to 'physical' health and wellbeing. Other components of wellbeing are considered throughout the SIA (such as the impact of the BESS on lifestyle, perceived impacts to property values, acoustic impact, etc.).</p>
	<b>GENERAL COMMENTS</b> Road impacts	<p>The condition of public roads will be monitored and maintained to a pre-construction standard in consultation with the Tamworth Regional Council and subject to consent conditions.</p> <p>Any minor works associated with accommodating OSOM vehicles will be developed further in consultation with relevant stakeholders during preparation of the Traffic Management Plan by the appointed contractor.</p>
	Employment Opportunities	Noted. The employment opportunities are supported.
	The EIS Report difficult to read due to size of Tables and Figures	Noted. Given the level of detail provided in the various figures, it may be difficult to read without the use of electronic magnification on a computer or tablet.
	<p>Our concerns are that:</p> <ul style="list-style-type: none"> <li>We are vulnerable.</li> <li>Our particular situation is different to the vast majority of Calala residents.</li> <li>The project site is too close to our property</li> </ul>	<p>The comprehensive assessments and mitigation measures proposed demonstrate that the project is designed to minimise its impact on the local environment, community lifestyle, property value, and overall wellbeing of surrounding residents, while aligning with the NSW Electricity Infrastructure Roadmap, NSW Electricity Strategy, and the AEMO 2022 Integrated System Plan to aid in 'firming' the electrical grid. The amenity of residents in the local area will be maintained and will not sterilise any adjoining land uses.</p>



	<ul style="list-style-type: none"><li>• The project is too large for the local environment</li><li>• It will have an adverse impact on our rural outlook</li><li>• It will generate decades of constant noise which will be audible on our property</li><li>• It could compromise the future use of our whole 5 acres</li><li>• It will reduce the value of the property, and</li><li>• This will have a detrimental effect on our health and wellbeing.</li></ul>	
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## 6 Updated justification of project

This section of the Submissions Report provides an updated evaluation of the social, environmental and economic impacts. In addressing and responding to the submissions, some additional mitigation measures are proposed beyond those submitted as part of the EIS. The additional mitigation measures are identified and discussed in the relevant consultant reports and Appendix C of the Amendment Report submitted in conjunction with this Submissions Report. As there are no substantial changes to the proposal, the justification of the project is largely consistent with that provided as part of the EIS.

### 6.1 Design of project

The proposed development is for a BESS at 474 Calala Lane, Calala. The proposal includes the following:

- The construction and operation of a large-scale Battery Energy Storage System (BESS) with a capacity of up to 300 Megawatts (MW) and up to 600 Megawatt hours (MWh) of battery storage capacity of up to 2 hours of storage duration.
- Installation of battery enclosures, DC and AC combiner boxes, transformers and auxiliary components.
- 33/330 kV switchyard
- Underground transmission cable connection between the BESS and the nearby TransGrid Tamworth 330 kV substation
- Ancillary elements including site access from Calala Lane, internal access roads and parking, control room and staff amenities, warehouse, stormwater and fire management infrastructure, utilities, signage, fencing, security systems, 5m high noise attenuation wall and landscaping.

The proposed development has been designed to meet the relevant planning provisions and guidelines.

### 6.2 Consistency with strategic context

The proposed development is suitable for the subject site and is located on a large, vacant property within close proximity to a substation. The site is in the New England region in the northwest which is identified as being a suitable location for renewable energy projects, particularly noting the proximity of the site to the New England Renewable Energy Zone.

The detailed assessment of the proposal against relevant strategies has been addressed in Section 2 of the EIS. The proposal contributes to the planning objectives outlined in the relevant district and region plans, and Tamworth Local Strategic Planning Statement.

### 6.3 Compliance relevant statutory provisions

The proposed development remains permissible with consent and complies with the requirements of the relevant statutory planning controls. The detailed assessment of all relevant state and local environmental planning instruments are outlined in Sections 2 and 4 of the EIS. The assessment concludes as follows:

- The development has been addressed in accordance with the relevant objectives of the *Environmental Planning and Assessment Act 1979*.
- The EIS has been prepared in accordance with the issued SEARs required by Part 8 of the EP&A Regulations.
- The proposal is consistent with the principles of ecological sustainable development specified in Clause 193 of the *Environmental Planning and Assessment Regulation 2021* and will support delivery of an ecologically sustainable development.



- The proposed development is categorised as SSD under the Planning Systems SEPP 2021.
- The site is zoned RU4 Primary Production Small Lots under the Tamworth Regional LEP 2010, and the proposed development is permissible in the prescribed zone and is consistent with the zone objectives.
- The *Biodiversity Conservation Act 2016* has been considered and the application is accompanied by a Biodiversity Development Assessment Report accordingly.

Based on the above, the proposal remains consistent with the relevant statutory provisions.

## 6.4 Community views about the project

As identified in Tables 3, 4, 5 and 6 of this Submissions Report, the feedback received from agencies, Council and the objector has informed the amended plans and documents submitted. The proposed development as amended is considered to adequately address any concerns raised.

## 6.5 Economic, social, environmental and cumulative impacts

The following potential social, economic and environmental impacts remain as part of the amended proposed development.

### Social impacts

- The proposed development includes opportunities for employment for Calala residents and the broader Tamworth LGA.
- The proposed development contributes to employment diversity within the Tamworth LGA through provision of renewable energy infrastructure as an emerging theme within the rural areas of NSW.
- The development may result in impacts on local character, traffic, aboriginal heritage, health and safety in the event of a hazard, noise and the perceived impact on property values. Each of these have been addressed through implementation of the recommended mitigation measures in the SIA provided with the EIS and the additional information submitted in response to the submissions received from agencies, Council and the public.

### Economic impacts

- The proposed development will provide significant benefits including jobs throughout construction and operation of the BESS.
- The proposal will contribute to the provision of renewable energy resources and infrastructure in a suitable location.
- Cheaper household electricity costs.
- Total economic investment exceeding \$30m
- Generates 170 total jobs during construction.
- Generates 7 permanent jobs during operation.
- Direct and indirect purchases in the local economy.

### Environmental impacts

- Impacts on biodiversity have been avoided and minimised wherever possible, with appropriate management and mitigation measures adopted to further minimise any adverse impacts. The additional information provided with this response confirms the proposed development complies with the relevant requirements of the *Biodiversity Conservation Act 2016* and has adequately addressed the comments provided by BCS.
- The proposed development will not result in any adverse impacts on Aboriginal or European heritage.



- The proposed development incorporates appropriate mitigation measures to ensure the development complies with the relevant noise criteria to minimise any adverse impacts on nearby sensitive receivers, including the sensitive receivers identified in submissions and the livestock and works on the adjoining Tamworth Agricultural Institute east of the subject site.
- The proposed development complies with the requirements of Planning for Bush Fire Protection 2019 through the implementation of the recommendations in the Bushfire Assessment Report submitted with the SSDA. The proposal will also not result in any increase in risk of fire on nearby residential properties.

## 6.6 Compliance monitoring and communication

Compliance of the development with the key statutory controls and conditions of consent will be monitored and communicated with all project staff by the development and project managers. The various management and mitigation measures outlined throughout the EIS ensure appropriate monitoring and communication is maintained throughout the construction and operational phases of the project.

## 6.7 Key uncertainties

The various components of the proposed development and the consultant reports provided to support this Submissions Report result in no uncertainties associated with the proposal.

# 7 Conclusion

This Submissions Report has addressed the submissions received in response to the public exhibition of SSD-52786213. The proposal as refined will result in an efficient development and positive contribution to the renewable energy targets envisaged by the various strategic planning documents and policies for the region. The development continues to achieve the original aims of the proposal while resulting in no unacceptable environmental impacts. The review of the submissions in response to the development, and preparation of amended documentation to support the proposed changes, confirms there are few additional mitigation measures or impacts identified which are discussed in Appendix C of the Amendment Report.

Based on the supporting material provided in this Submissions Report in addition to the material provided in the original EIS and the Amendment Report, DPHI has now been provided with sufficient information and documentation to progress the assessment of SSD-52786213. We request that DPHI complete the assessment of the application and proceed to determination.



# APPENDIX A

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## APPENDIX B

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# APPENDIX C

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## APPENDIX D

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# APPENDIX E

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## APPENDIX F

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# APPENDIX G

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# APPENDIX H

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# APPENDIX I

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# APPENDIX J

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# APPENDIX K

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# APPENDIX L

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