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Ms Kiersten Fishburn
Secretary
NSW Department of Planning, Housing and Infrastructure
Via NSW Major Projects Portal
Attention: Sarah Barclay, Environmental Assessment Officer
NSW Department of Planning, Housing and Infrastructure

**Hilltops Councils Submission
SSD-6698-Mod-2 - Modification 2 Decentralised BESS
Yass Valley (Coppabella) Wind Farm**

Dear Ms Fishburn,

Thank you for the opportunity to provide a submission on the proposed SSD-6698-Mod-2 - Modification 2 Decentralised BESS for the Yass Valley (Coppabella) Wind Farm.

Hilltops Council has considered the accompanying documentation including the Environmental Assessment Report prepared by Goldwind Australia Pty Ltd and dated 26 November 2025 and considers that the Applicant has failed to adequately address and satisfy the prerequisites required under Section 4.55(2)(a) of the *Environmental Planning and Assessment Act 1979*, an "Other Modification" where the development as originally approved remains the substantially the same.

Additionally, Council is of the view that the Modification 2 development has greater cumulative environmental impacts both on the natural and built environment with the introduction of new development, works and hazards as a result of the inclusion of the 52 decentralised BESS, which were not approved either via the original or subsequent Modification 1 approvals.

Consequently, the proposed Modification 2 alters the development in a fundamental manner and does not satisfy the prerequisites in Section 4.55 of the EPA Act.

The accompanying modification report, prepared by Goldwind Australia Pty Ltd and dated 26 November 2025, fails to adequately address cumulative impacts with other major projects in the area, raising concerns about holistic environmental and social assessment.



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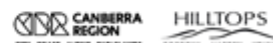
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Hilltops Council raises the following matters for the Departments consideration and response:

1. Modification and "substantially the same" development
2. Clarity and Consistency in Assessment Report
3. Cumulative impacts with major projects in the area
4. Construction traffic
5. Housing shortage / workers accommodation
6. Hazard / Bushfire / Emergency measures
7. Development Contributions and updated Voluntary Planning Agreement

1. Modification not Substantially the Same Development

Hilltops Council has considered the accompanying documentation including the Environmental Assessment Report prepared by Goldwind Australia Pty Ltd and dated 26 November 2025 and is of the view that the Applicant has failed to demonstrate that the proposed development to which the consent as modified relates is "substantially the same" as the development for which the consent was originally granted.

Reference is made to relevant case law in this instance including recent decisions in *Realize Architecture Pty Ltd v Canterbury-Bankstown Council* [2023] NSWLEC 1437 ('Realize Architecture (1)') and *Canterbury-Bankstown Council v Realize Architecture Pty Ltd* [2024] NSWLEC 31 ('Realize Architecture (2)').

The proposed modified development (SSD-6698-Mod2) adds an additional 53 decentralised battery energy storage systems (BESS) and associated infrastructure worth \$200,000,000. The introduction of this infrastructure via the subject modification is not "substantially the same" as the original development consent for up to 75 turbines as a part of a wind farm (SSD-6698).

The application to modify the consent relies entirely on 'Table 3-1' which does not provide a comparative assessment of the qualitative and quantitative aspects of the modification proposal against the development as originally approved as required by *Realize Architecture 1* and *2*.

Council reminds the Department that it is not sufficient to simply state that the development is 'substantially the same' due to the utilization of a similar approved footprint, rather, the application must outline and result in a finding that the development as modified is essentially and materially the same as the original consent granted.

The accompanying Environmental Assessment Report has failed to demonstrate as such in this instance. Council maintains that the Assessment must compare the originally approved development with the proposed modification in its proper context regarding the circumstances in which the original consent was granted, being a Wind Farm and associated infrastructure only.

The Modification proposes substantial additions of 53 BESS, totalling an additional 26,500m² (2.65 hectares) of development (as described in Table A-2, Page 66), which was not considered as a part of the Original Consent nor Modification 1.

Modification 1 amended the number and scale of the wind turbines, which were assessed and approved under the Original Consent. The Modification 1 (December 2018) approved a wind farm of up to 75 wind turbines with associated access tracks, 33kV internal electrical reticulation system, grid connection at 132 kV, permanent meteorological masts and temporary construction infrastructure. The Modification relates to a wind farm development, as energy generation, which is substantially the same as the original approval.

Modification 1 does not mention or include uses for energy storage in the form of BESS.

Modification 2 is in the Executive Summary (Page 4 and 5) as:

For the reasons given in this assessment report, it is considered that the Project remains essentially the same from the perspective of its purpose in supplying renewable energy from the local wind resource but is improved through:

- *More efficient wind farm design to optimise generation from the site*
- *Its improved ability to align with NEM requirements*
- *No significant increase in environmental impacts arising due to co-location of wind turbine and BESS equipment.*

Additionally, in 7.0 Justification for Modified Project (Page 57):

The proposed modification is consistent with the justification of the approved (Mod 1) project. The Mod 2 project will “deliver an efficient, constructible and commercially viable project” with the inclusion of BESS into the Project, while having essentially the same impacts as for the Mod 1 Project.

The BESS would be placed on previously cleared disturbance footprint at selected turbine sites and will be within the approved development footprint. The BESS would not require any additional infrastructure and will be connected to the wind turbines via short lengths of underground cabling. The impacts of this modification with the adoption of additional mitigation measures (APPENDIX C: Updated Mitigation Measures), are considered to have no more than minimal environmental impact.

The Mod 2 project will “deliver an efficient, constructible and commercially viable project” with the inclusion of BESS into the Project, while having essentially the same impacts as for the Mod 1 Project. (Page 57).

The Applicant's modification assessment is inadequate noting only that the project is “substantially the same” and four times noting that the project is “essentially the same”. The impacts of the inclusion of 53 BESS are not yet demonstrated to be “substantially the same” as Modification 1 amended of the number and scale of originally approved wind turbines with no qualitative or quantitative assessment provided.

Upon review of NSW Major Projects, Council notes there are sixteen Modifications associated with a BESS. These Modifications are where the BESS was included within the Original Consent, with the modification seeking an increase in capacity of battery storage from what was originally approved.

No Modifications added BESS as a new development, as a previously unassessed application, that wasn't already approved under the Original Consent.

2. Clarity and Consistency in Assessment Report

The Modification Assessment report fails to clearly describe, with consistency, the proposed modifications in an understandable way. There is ambiguity and contradiction in the Assessment Report about number, location and scale of the BESS Units and their capacity.

Assessment Reports notes discrepancy in the number of BESS as either a percentage (71%) or turbine number (53 or 69):

- *Inclusion of dedicated BESS at each of up to 71% of the approved wind turbine sites*
- *BESS units will be located at up to 53 Turbine Sites that are selected as suitable for DC Coupled BESS.*
- *The proposal is to install a small BESS near the base of each of the 69 wind turbine generators (WTG) comprising the wind farm. Each BESS will comprise 24 battery containers and 6 DC-DC converters. (ENVIRONMENTAL NOISE ASSESSMENT - Sonus Pty Ltd (Page 289 of Modification Report)*

The location of the proposed BESS is not clearly mapped or identified. The Project Site and Project Area Map (Figure 2.1) do not identify which Wind Turbines will be co-located with a BESS nor does the Indicative Layout (Section 3.2) include the location of the BESS and their associated wind turbines.

Additionally, the capacity of the BESS units is not consistent between the Modification report and Appendices, as outlined below:

Report	Extract
APPENDIX A: UPDATED PROJECT DESCRIPTION (Page 66)	Each Goldblock is composed of battery packs, up to a nominal capacity of 836 kW each
Consultant Advice Note - Riskcon (Page 117)	The specific BESS model used in the Project is the 745 kWh GoldBlock L700Pro manufactured by Goldwind.
	<i>Difference of 91kWh</i>
APPENDIX E: PRELIMINARY HAZARD ANALYSIS Riskcon (Page 137)	BESS installations at each WTG: Six (6) containers providing energy storage capacity of 5.0 MW / 20.6 MWh (4-hour duration) per WTG
Bush Fire Assessment Report – Waratah Bushfire (Page 213)	Coppabella Wind Farm Pty Ltd (CPWPL) is now seeking to enhance the project through the inclusion of a Battery Energy Storage System (BESS), involving the installation of BESS units at each turbine footing, with an energy storage capacity of 3.34 mWh for each BESS container.
	<i>Difference of 1.66MWh</i>
Modification Report (Page 66)	Battery energy (before losses) per WTG (4 hrs) = 19.86 MWh

Report	Extract
APPENDIX E: PRELIMINARY HAZARD ANALYSIS Riskcon (Page 137)	BESS installations at each WTG: Six (6) containers providing energy storage capacity of 5.0 MW / 20.6 MWh (4-hour duration) per WTG
	<i>Difference of 0.74 MWh</i>
Modification Report (Page 24)	CWF BESS Site storage capacity = 1053 MWh (assumes 53 WTGs)
APPENDIX E: PRELIMINARY HAZARD ANALYSIS Riskcon (Page 137)	Total site storage capacity of 265.5 MW / 1,091 MWh (4-hour duration)
	<i>Difference of 38MWh</i>

The Appendix A: Updated Project Description does not clearly state the Current Approved Project Modification 1 in comparison to Proposed Mod 2 with Table A-1. The table does not list and compare the Original Project, Approved Modification 1 and Proposed Modification 2. See extract below:

A. Updated Project Description A-1 Project Summary This section provides a summary of the key aspects relevant to the development, operation and decommissioning of the CWF including the inclusion of BESS as proposed for Modification 2 (Mod 2) of SSD 6698. Provided in Table A-1 is a summary of the key features of the Project as modified. Table A-1 Summary of key features of the Project (Mod 2)	
Element	Current Approved Project (Mod1 SSD 6698)
Project	Coppabella Wind Farm
Proponent	Coppabella Wind Farm Pty Ltd
Indicative Generation Capacity	289 MW
Project Area within CWF Boundary	6450 Ha
Site Description	As per Appendix 1 of SSD 6698
Vegetation Clearance Limits	170.8 ha of FFC

Extract of Appendix A UPDATED PROJECT DESCRIPTION – Page 63 of Modification Report

3. Cumulative impacts with major projects in the area

The Applicant notes in the Modification report that no cumulative impacts were identified as a part of **Table 6-2: Aspects considered and level of assessment in Modification Report** Page 38 simply stating that:

Cumulative impacts were assessed as acceptable for the approved project, and no changes are proposed for construction and operation duration or methodology area proposed.

Environmental Risk Rating: Nil

Additional Assessment required: Nil

Council maintains that until such time that individual BESS locations and their varying contexts in terms of location are identified will have a negative and/or unacceptable cumulative environmental and social impact.

4. Construction Traffic

The Modification notes that there will be additional traffic movements associated with the BESS transportation being:

The traffic assessment provided an updated construction traffic volumes to include up to an additional 318 traffic movements to account for the transportation of each BESS unit for each of the 53 turbines.

With the installation of BESS is $318 \times 53 = 16,854$ additional movements for the BESS.

Council requests that the Applicant provide clarity over the size and width of the trucks transporting the 53 individual BESS in order to determine the extent of the environmental impact from the proposed development, as modified.

Should any environmental impacts be identified resulting from the 16,854 movements for the BESS, that the Applicant provide an updated statement with regards to roads, safety and broader impacts including noise, dust, waste and habitat.

5. Housing shortage / workers accommodation

The Applicant notes that no social impact from proposed changes although housing with additional 10 temporary workers across 10 months of construction is required. Consequently, 210 temporary workers that will require housing for 10 months.

Council notes there is already a shortage of worker accommodation and beds for short stay accommodation in Hilltops Local Government Area. Even still, a shortage of rental properties across the Hilltops Local Government Area for residents and workers.

Council suggests that the outlined Accommodation Strategy (on Page 56 of Modification report) be provided noting how the additional temporary 10 staff members will be housed alongside the 200 associated with the project during construction.

Additionally, and for consideration, is that the social benefit associated with the development would be a contribution towards developing short term accommodation to house the temporary workers within the Hilltops Local Government Area. This nexus for this proposed development, as modified, would be suitable and appropriate for the duration of the construction period as well as into the future for workers and visitors to Hilltops Local Government Area.

6. Hazard / Bushfire / emergency measures

"The specific location of each BESS has not been determined at this stage." (Bush Fire Assessment Report- Waratah Bushfire - Page 219 of Assessment Report)

Hazard impact and mitigation are contextual. Similarly for bushfire protection and management are contextual.

Without the determined locations of the proposed 53 BESS, the Application is insufficient in identifying, assessing and potentially having mitigating treatments for each individual BESS their individual locations and in association with the approved Wind Turbine.

The Applicant provides Figure 3.1 with the indicative BESS layout, which does not show context but a generic layout of the BESS development in association with the wind turbine.

At no point in the Application are the individual locations of the 53 BESS identified or mapped. The Bushfire assessment notes that: *A defensible space of at least 24-40m will be provided around the footprint of each BESS to avoid flame zone (FZ) contact (Table 6.1 Page 274).* Indicatively the Wind turbines are within 10m of the location on the BESS.

Council is seeking clarification from the Applicant on the individual location of the 53 BESS.

The inclusion of BESS triggers a Preliminary Hazard Analysis and bushfire assessment, but the Emergency Response Plan update is noted as pending, leaving a critical safety gap. Additionally, the location of the dedicated firefighting supply tanks – with volume (and siting), within the report is still to be determined through the Fire Safety Study. Consequently, Council is also seeking clarity over the accompanying Fire Safety Study and location of tanks and use of firefighting equipment.

7. Development Contributions and updated Voluntary Planning Agreement

Council requests that the terms of the applicable offer for the Voluntary Planning Agreement be addressed.

The \$200,000,000 cost the Proposed Modification for 53 BESS across 2.65ha of land is over 6.5 times the Major Projects threshold of \$30,000,000 under the State Environmental Planning Policy (Planning Systems) 2021.

At the 1% levy under a Section 7.12 Contributions Plan, the contribution for the proposed additional development works of 53 BESS and associated infrastructure is \$2,000,000.

The Applicant does not propose any modifications to the contributions in the condition of consent. There is no additional discussion of further development contributions in the Modification Report, or proposed amendment of the VPA with increase in project works, costs and additional development of the 53 BESS and associated infrastructure.

The BESS modification adds \$200,000,000 to project cost, yet there is no proposed adjustment to development contributions or Voluntary Planning Agreement (VPA), which is seen as inequitable given the scale of change.

Since the Original Consent was approved in 2016 and the Modification 1 was approved in 2018, The Department of Planning, Housing and Infrastructure has released in 2024 the [Benefit-Sharing Guideline](#) for large scale renewable energy projects.

The Original Consent in 2016 was for \$2,500 per wind turbine per annum from the time of Commissioning. This would be $\$2,500 \times 65 = \$162,500$. The 2016 figure did not have CPI applied from the approval date, but would commence from the Commissioning date. The \$2,500 at 2016 is equivalent to \$3,236 at the end of the 2024/2025 financial year.

Not applying CPI is inconsistent with the current Guidelines and Council requests this error be amended as a part of this modification.

Alternatively, under the current Benefit Sharing Guidelines, the contribution rate is based on Megawatt Hours (MWh). The contribution with this rate would be $3.57\text{MWh} \times 65 \text{ turbines} = 232.05 \text{ MWh}$. $232.05\text{MWh} \times \$1050 = \$243,652.50$.

Please contact Council's Principal Strategic Planner, Mr Bryce Weedon, on 02 6384 2539 or bryce.weedon@hilltops.nsw.gov.au if you have any questions, require further information or clarification on this submission.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Jaime Dyhrberg", with a stylized flourish at the end.

Jaime Dyhrberg
Director Planning