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Via Email: andy.nixey@planning.nsw.gov.au

**EPA Advice on Submissions Report
Wallerawang Battery Energy Storage System - Greenspot (SSD-14540514)**

Dear Mr Nixey

Thank you for the request for advice from Public Authority Consultation (PAE-3641075), requesting a review by the NSW Environment Protection Authority (EPA) of the Wallerawang Battery Energy Storage System (BESS) – Response to Submissions (RTS) report (May 2022) for the SSD-14540514 project.

The EPA has referred to the following documents as a component of the review:

- *'Wallerawang Battery Energy Storage System: Response to Submissions (May 2022)'*.
- *'Wallerawang BESS – Construction and Operational Noise and Vibration Assessment, Revision F (April 2022)'*.

The EPA has the following additional comments and recommendations.

The EPA understand that in the event the project is granted approval that the proponent expects to exclude the BESS project from the land currently subject to an existing Environment Protection Licence (EPL 766) being the former Wallerawang Power Station. In the event the land designated for the project site is not excluded from the land subject to EPL 766, the EPA would require a revised Noise Impact Assessment which assesses the cumulative impacts of both the BESS and the activities currently permitted on EPL 766.

In the event the land designated for the project site is excluded from the land subject to EPL 766, the EPA acknowledges that at present the definition of the BESS project is unlikely to be captured by Schedule 1 of the *Protection of the Environment Operations Act 1997* (the POEO Act) therefore meaning EPA will not be responsible for regulating potential environmental impacts from the project.

In this regard, the EPA seeks clarification from the Department of Planning and Environment (DPE) on the government agency likely to be responsible for regulation of potential noise and environmental impacts following exclusion from EPL 766.

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The EPA has reviewed the submission reports and notes the matters raised in the EPA advice on the Environmental Impact Statement (EIS) for the project have been addressed and therefore makes no further comment.

Recommend conditions of consent

Based on its assessment of the project, the EPA provides the following recommended conditions of consent.

Noise

The DPE should carefully consider any noise limits assigned to the development if the project is approved. The revised Noise Impact Assessment (NIA) within the RTS predicts that battery operation can only meet the Project Noise Trigger Levels (PNTL) at all times of the day when using Scenario 2 (40% fan duty with noise barriers) configuration with noise-enhancing meteorological conditions.

Recommended Condition

The EPA recommends the DPE sets the minimum PNTLs in the Noise Policy for Industry (NPfI) as the noise limits for the project.

Emergency Management

All EPA licensed premises are required by Part 5.7A of the *Protection of the Environment Operations Act 1997* to prepare a Pollution Incident Response Management Plan (PIRMP). By preparing and implementing a PIRMP that meets the requirements specified under EPA legislation, the proponent will:

- minimise the risk of a pollution incident occurring as a result of their activities, as they would have identified risks and the actions they propose to take to minimise and manage those risks
- have established clear and effective notification, action and communication procedures to ensure the right people are notified, warned and quickly provided with updates and information they may need to act appropriately, including
 - people who may need to be involved in incident responses – including staff at the premises; the EPA; and other relevant authorities (such as Fire and Rescue NSW, NSW Health and local councils)
 - industrial, commercial and residential neighbours and other members of the community
- have properly trained staff and up-to-date incident management information available to ensure the potential impact of a pollution incident is minimised.

Recommended Condition

The proponent is to prepare an environmental emergency management plan such as a Pollution Incident Response Management Plan (PIRMP) prior to commencement of construction activities.

If you have any questions about this request, please contact Allan Adams on 6333 3804 or via email at info@epa.nsw.gov.au.

Yours sincerely



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