



Planning Proposal

Proposal Title	Gara Battery Energy Storage System
SEARs/SSD/SSI No.	SSD-71680710
CM10 Record Number	24/00084#91
Due Date	19/06/2024

Engagement Notes

The Department of Planning, Industry and Environment has received a request for Secretary's Environmental Assessment Requirements (SEARs) for the Gara Battery Energy Storage System. The proposed development is a State Significant Development under the Environmental Planning and Assessment Act 1979.

Please provide input into the SEARs for the proposal including details of any key issues and assessment requirements by the due date.

If you have any enquiries, please contact Megan Ramsdale on 0294072133 at megan.ramsdale@planning.nsw.gov.au.

Instructions

The information in the “comments” (page 3) and “no comments” (page 7) responses are there to prompt you about possible issues to investigate and is based on a sample of responses that have been provided over the last 6 to 12 months. You will need to delete the content that does not apply, update content as necessary and add content that is required but not listed. The below questions are also designed to prompt for important information to ensure Crown Lands provides a quality and comprehensive response to Planning.

Summary Questions

1. Will the Crown Estate be affected?

☒ Yes. Please complete the below checklist and update response template starting on [page 3](#) of this document.

☐ No. Please update the “No comments” template starting on [page 7](#) of this document, seek Group Leader approval and signature before assigning to Rebecca Southern as “Approved. For info/action” in CM10.

2. What steps are required if the Crown Estate is affected? (*Respond to the issues ensuring we identify any legislative requirements, guidelines and processes*) Complete the below Checklist table to answer this question.

To provide quality advice please follow these guidance points:

1. Always prioritise the issues – *most important issue first etc.*
2. Think about the priorities of DPHI - Planning and Assessments (DPHI-PA) – *what issues could have a major effect on the proposal?*

3. Back up all issues raised – provide a response and any relevant links to guidelines and policies.
4. Explain any “no comment” – *why do we have no comments?*
5. De-prioritise non-*Environment Planning, and Assessment Act 1979* (EP&A Act) matters.
6. Check claims made in the assessment.
7. Specify when DPHI –PA should act – *does the issue(s) need be to be resolved prior to determination, post determination or as a condition of consent?*
8. Think about the medium.

Checklist

Explanation

Explain each issue and what steps can be taken to rectify. Please use the chapter reference identified in the proposal documentation to make it easier/clear to DPHI - Planning what is required.

Have all Crown land/roads/waterways been identified and included? Has the relevant process/guidelines been included?	<p>e.g. ALC, Native Title, licence, easement, transfer of road to Council etc Clearly identify the Crown land/road/waterways using Lot DP numbers and names of roads or waterways where possible.</p> <p><input checked="" type="checkbox"/> Yes. Move on to next question.</p> <p><input type="checkbox"/> No. Please review and provide further relevant details in comments response template, starting on page 3, until you can answer yes to this question.</p>
<p>Are there any legislative requirements, policies, guidelines involved?</p> <p><i>Refer to relevant Acts, prioritising the Environmental Planning and Assessment Act 1979, regulations and policies and identify if the issue requires resolution prior to determination, post determination or as a condition of consent.</i></p>	<p>Relevant acts may also be - Biodiversity Conservation Act 2016, Mining Act 1992, Native Title Act 1993 (Cth), Aboriginal Land Rights Act 1983, Local Government Act 1993 etc</p> <p><input checked="" type="checkbox"/> Yes. Please provide details of Act requirements in letter template starting on page 3, ensuring you identify when it requires resolution (e.g. prior to determination, post determination or as a condition of consent). Continue until you can answer no to this question.</p> <p><input type="checkbox"/> No. Move on to next question.</p>
Have all parts of the proposal been reviewed and covered?	<p><input checked="" type="checkbox"/> Yes. Please advise what further information is required (e.g. ARCGIS info etc – please add this request for information to the response starting on page 3).</p> <p><input type="checkbox"/> No. Move on to Action and Approval sections below.</p>

Action

Can proposal proceed in its current form?	<p><input checked="" type="checkbox"/> Yes. Move to next question.</p> <p><input type="checkbox"/> No. Provide details of requirements for approval response starting from page 3, then move on to next question.</p>
Have any limiting factors for the proposal, that need to be resolved prior to the proposal being adopted, been addressed?	<p>e.g. ALC determination, NT – Section 24 FA, use of acquisition powers etc</p> <p><input type="checkbox"/> Yes. Move to next question.</p> <p><input checked="" type="checkbox"/> No. Update comments response until you can answer yes to this question.</p>
Is a map able to be provided indicating relevant information?	<p><input type="checkbox"/> Yes. Place copy as an attachment after response letter then complete update of contact person below.</p> <p><input checked="" type="checkbox"/> No. Complete update of contact person below.</p>

Contact person for any further questions from the proponent/Planning Officer	Name: Warren Martin Position: Natural Resources Management Project Officer Phone number: 02 67703118 Email: warren.martin@crownland.nsw.gov.au <i>Filling in the details here will automatically add the details to the response templates below – to be completed by the Regional office</i>
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Approval

Approver	Position	Date approved
Rodney O'Brien	Group Leader, Armidale/Moree	14/06/2024

Once completed, approved and signed please return to Rebecca Southern as “Approved. For info/action.” in CM10.



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Gara Battery Energy Storage System

The Department of Planning, Housing and Infrastructure – Crown Lands (the Department) has reviewed the proposal.

Crown Lands' comments have been addressed in previous requests for advice (email correspondence with the project Environmental Planner 16 February 2024 and 26 February 2024) and these are reflected in the Scoping Report.

Crown land impacted by the proposed development includes access track through Crown Reserve 566 (Lot 7003 DP 1060212 and Lot 7009 DP 1060213) being reserved for 'Travelling Stock' and under management of Northern Tablelands Local Land Services (LLS). Authorisation for use and potential upgrades of the existing track in use (or along close alignment) may be provided by Northern Tablelands LLS under the *Local Land Services Act 2013*, or if preferred by LLS a licence for access can be issued by the Department.

Crown Reserve 566 is subject to undetermined Aboriginal Land Claims 49459 and 30673 under the *Aboriginal Land Rights Act 1983*, and concurrence with the NSW Aboriginal Land Council (NSWALC) may be required. Native Title may not have been extinguished under the *Native Title Act 1993* and will need to be considered for the issue of a tenure. Information regarding Native Title can be found at the below link:

<https://www.crownland.nsw.gov.au/protection-and-management/aboriginal-land-rights-and-native-title/native-title>

The development proposes new power line across a Crown road north of Lot 145 DP 755826. An easement over said Crown road will be required for protection of the infrastructure. To discuss easement requirements, please contact the Acquisitions team at the earliest opportunity at: cl.acquisitions@crownland.nsw.gov.au. As the easement process may be lengthy, it is also recommended that the proponent apply for a licence (*Crown Lands Management Act 2016*) or section 138 authorisation (*Roads Act 1993*). A licence or section 138 authorisation will temporarily authorise use and access for the infrastructure to traverse the Crown road whilst the easement application is being processed.

If the proponent requires further information, or has any questions, please contact Warren Martin, Natural Resources Management Project Officer in Crown Lands, on 02 67703118 or at warren.martin@crownland.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R O'Brien'.

Rodney O'Brien

Group Leader Armidale/Moree

T 02 67703101 | E rodney.obrien@crownland.nsw.gov.au