



File Ref: DN25/0025

19 September 2025

Ausgrid Operator Partnership
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Dear Sir/Madam

Development Referral No. DN25/0025

Proposal: Kamay Battery Energy Storage System

Property: 171-189 Captain Cook Drive, Kurnell

I refer to the above proposal which was referred to Council for comment in relation to draft Secretary's Environmental Assessment Requirements (SEARs) in accordance with the provisions of the Act, Regulations and Planning Systems SEPP.

Council officers are supportive of the initiative to provide for alternative energy systems and encourage their placement on strategically located land suitable for such infrastructure.

It is noted, however, that this property and the adjacent parcels are environmentally sensitive and subject to high flood risk. These conditions have the potential to result in significant offsite environmental impacts arising from the proposed development. By and large, the draft SEARs require consideration of these matters.

The following additional observations and local considerations are provided to assist in the preparation of the detailed design and EIS:

1. Flooding Affection

The site is subject to a high risk flood affection (1% AEP and PMF). A suitable flood impact assessment report should be requested. The applicant may apply for a Flood Information Certificate, which is available on Council's website:

https://www.sutherlandshire.nsw.gov.au/_data/assets/pdf_file/0014/24026/application-for-flood-information.pdf

In this regard, it is noted that the proposed arrangement of placing the battery storage containers directly upon a concrete or compacted gravel base is likely to give rise to inundation during a flood event. This may result in premature failure of the unit(s), and/or potential for environmental hazard and harm.

Consideration should be given to whether the proposed use is suitable on this land given the above high flood risk and if this can be demonstrated, that suitable and effective measures can be implemented to mitigate the impact. Site fill is not considered a reasonable mitigation response as this will likely result in environmental harm and offsite flood related impacts.

2. Towra Point Aquatic Reserve

The surrounding environment is of high ecological significance, as it makes up the sanctuary zone of the Towra Point Aquatic Reserve.

The Aquatic reserve's objectives are;

- conserve the biodiversity of fish and marine vegetation
- protect fish habitat

In addition to the matters specified within the SEARs 'Key Issues', the proposal is to give consideration to:

National Light Pollution Guidelines for Wildlife - DCCEEW - Given the proximity to key migratory shorebird habitat, all lighting associated with the development will need to demonstrate how it meets the recommendations of the National Light pollution guidelines.

Water Quality - Given the sensitive nature of the surrounding environment, environmental pollution from run-off of firefighting medium is a genuine concern and should be considered in any emergency response procedures. If large amounts of fire-fighting medium are to be applied during a fire-fighting operation, then the containment of such fire-fighting medium must be included in the design of the BESS, and should include:

- A surface water discharge assessment in accordance with relevant EPA guidelines, including an assessment of potential impacts on watercourses, groundwater, nearby groundwater-dependent communities, and riparian areas (including Quibray Bay, Towra Point Aquatic Reserve and Towra Point Nature Reserve).
- Details of proposed stormwater drainage design including the capacity of onsite detention system(s), integration with existing stormwater system and measures to treat, reuse or dispose of water and firefighting medium. This should include details of how the increase in stormwater from additional hardstand and impervious areas such as battery container will be incorporated.
- Emergency containment systems and spill response protocols, such as bunds, retention basins, or impermeable surfaces to prevent runoff from entering waterways.

It is recommended that a Flora and Fauna Assessment be undertaken and submitted to demonstrate the satisfaction of the above matters.

3. Aboriginal Heritage

The findings detailed within Table 4-2 are noted. Council mapping software indicates an AHIMS site 52-3-0212 (midden) is situated within the north-western portion of the site. It may be the case that this site has been incorrectly positioned, however it is expected that the Aboriginal Cultural Heritage Assessment Report accurately locate this item and ensure that it is not harmed during the development process.

4. End of Life Considerations

Council officers are supportive of the end of life considerations detailed within section 3.1.1 of the scoping report and would encourage submission of a detailed rehabilitation plan with the future application.

5. Contaminated Land

The site is listed on Council's contaminated land register as 'potentially contaminated' due to the use of the site as an electrical substation. While contamination is likely, it is unlikely to result in the site being unsuitable for the proposed development. This must be confirmed with a contamination investigation, in the form of a preliminary and detailed site investigation (PSI and DSI). This must be prepared in accordance with the following:

- NSW Contaminated Land Management Act (1997);
- NSW Contaminated Land Management Regulation (2022);
- NSW State Environmental Planning Policy (Resilience and Hazards) 2021 – *Ch. 4 – Remediation of Land*;
- NSW Planning Guidelines *SEPP 55 – Remediation of Land* (1998);
- National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B1 – *Guideline on Investigation Levels for Soil and Groundwater* (2011);
- National Environment Protection Council (NEPC) National Environment Protection (Assessment of Site Contamination) Measure Schedule B2 – *Guideline on Site Characterisation* (2011);
- ANZECC and ARMCANZ *Guidelines for Fresh and Marine Water Quality* (2000);
- NSW EPA Contaminated Land Guidelines: *Consultants Reporting on Contaminated Land* (2020);
- NSW EPA Contaminated Land Guidelines: *Sampling Design Part 1 – Application* (2022); and,
- NSW EPA Contaminated Land Guidelines: *Sampling Design Part 2 – Interpretation* (2022).

The report(s) must be prepared by a consultant certified by either of the following schemes:

- EIANZ 'Certified Environmental Practitioner – Site Contamination' (CEnvP – SC); or,
- Soil Science Australia 'Certified Professional Soil Scientist – Contaminated Site Assessment & Management' or 'Soil Survey' (SSA CPSS CSAM or SS).

If the findings of the PSI and DSI indicate the need for remediation of the land prior to use, a remediation action plan (RAP) must also be prepared and enacted prior to the construction of the BESS. The requirement for the PSI and DSI has been given in the scoping report (Section 6.3.3).

The potential for future contamination as a result of the proposed development has also been addressed by the scoping report. The environmental impact statement to be prepared for the BESS must address the potential for a future contamination incident resulting from:

- Fire
- Leaking of liquid components
- Construction works

Controls for these potential contamination events must account for the proximity of the site to protected wetlands.

6. Acid Sulfate Soils

The findings detailed within Table 4-2 are noted however Council's records indicate that the site is mapped as Class 2 and Class 3 Acid Sulfate Soil.

As per the Sutherland Shire LEP 2015, works within Class 3 acid sulfate soils require an acid sulfate soil assessment if the maximum excavation will reach a depth greater than 1.0 metres below ground level (mBGL) or is likely to lower the local water table by greater than 1.0 metres and the total amount of excavation will exceed 1 tonne of material. Additionally, all works within Class 2 acid sulfate soils require an assessment if there is to be any excavation. The development is likely to meet these criteria and, if so, an acid sulfate soils assessment is required to inform on required acid sulfate soils management.

The applicant must either prepare an acid sulfate soils assessment or demonstrate that the development will not involve any excavation within the class 2 acid sulfate soils and no excavation beyond 1 metre below ground level within the class 3 acid sulfate soils.

If the findings of the acid sulfate soils assessment indicate the need for an acid sulfate soils management plan (ASSMP), this must also be submitted to council prior to development consent being granted.

The acid sulfate soils assessment and (if required) ASSMP must be undertaken in accordance with the following:

- Acid Sulfate Soils Management Advisory Committee (ASSMAC) *Acid Sulfate Soil Manual (1998)*;
- Sutherland Shire Local Environmental Plan 2015;

And with reference to:

- National Acid Sulfate Soils Guidance: *National acid sulfate soils sampling and identification methods manual (2018)* (Sullivan et al. 2018).

The acid sulfate soil assessment and (if required) ASSMP must be prepared by a consultant certified by either of the following schemes:

- EIANZ 'Certified Environmental Practitioner' (CEnvP); or,
- Soil Science Australia 'Certified Professional Soil Scientist' (SSA CPSS).

7. Waste Classification

Given that the proposed development would involve excavation, a waste classification must be undertaken on all soil to be removed from the site. The scope of the waste classification must encapsulate the full extent of the required excavation. The waste classification can be included with the PSI/DSI or be a separate document at the discretion of the consultant or applicant. The waste classification must be undertaken in accordance with:

- NSW EPA Waste Classification Guidelines – Part 1: Classifying Waste (2014)
- NSW EPA Contaminated Land Guidelines: *Consultants Reporting on Contaminated Land* (2020).

Waste classification reports must be undertaken by a suitably qualified and experienced environmental consultant, certified by one of the following schemes

- EIANZ 'Certified Environmental Practitioner' (CEnvP); or,
- Soil Science Australia 'Certified Professional Soil Scientist' (SSA CPSS).

In facilitating new development, a balance needs to be achieved between facilitating an essential energy facility, whilst avoiding potential impact to sensitive environmental land which surrounds the site and ensuring that sufficient mitigation of any potential hazard to the residents in Kurnell Village. Council officers are broadly supportive of the draft SEARs as proposed, noting the above observations. We welcome the opportunity to work with the Department and the proponent going forward to achieve this outcome.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer David Sheehan on 9710 0965 or email dsheehan@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

A handwritten signature in black ink, appearing to be 'B. Latta'.

Ben Latta
Development Assessment & Certification Manager