

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-11437498-Mod-1 Broken Hill Battery Energy Storage System-Mod-1
Applicant	AGL Energy Limited
Consent Authority	Minister for Planning

Decision

The Director, Energy Assessments under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to conditions.

A copy of the instrument of modification and conditions is available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-transmission-line-connection-and-design>

A copy of the Department of Planning & Environment's assessment report is available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-transmission-line-connection-and-design>

Date of decision

15 July 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.55(3) of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- to facilitate transmission connection and reduce visual impacts of the transmission line; and
- impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and
- the issues raised by the public authorities during consultation and in submissions have been considered and adequately addressed through the recommended conditions of approval; and
- weighing all relevant considerations, the modification is in the public interest, subject to the strict conditions of consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 23 March 2022 until 5 April 2022 (14 days) and received one submission.

The submission indicated support for the modification noting that it has the potential to remove project infrastructure from public view by undergrounding sections of the transmission line. This was considered in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Visual impact</i> <ul style="list-style-type: none"><i>undergrounding of transmission line could remove infrastructure for public view</i>	<i>Assessment</i> <ul style="list-style-type: none">The option to underground the transmission would reduce visual impacts compared with the approved overhead transmission line.