

# Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD-29704663
<b>Project Name</b>	<p>Muswellbrook Battery Energy Storage System which includes:</p> <ul style="list-style-type: none"> <li>the construction and operation of a battery energy storage system (BESS) with an estimated capacity of approximately 150 MW / 600 MWh; and</li> <li>associated infrastructure, including connection into the Muswellbrook substation</li> </ul>
<b>Location</b>	20-24 Sandy Creek Road, Muswellbrook (Lots 11 and 12 DP 839233), approximately 2.5 km north-east of Muswellbrook
<b>Applicant</b>	Firm Power Pty Ltd
<b>Date of Issue</b>	10/12/21
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&amp;A Regulation) and must have regard to the <i>State Significant Development Guidelines</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> <li>stand-alone executive summary;</li> <li>a full description of the development, including: <ul style="list-style-type: none"> <li>details of construction, operation and decommissioning;</li> <li>a high quality site plan at an adequate scale showing all infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process);</li> <li>a high quality detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development;</li> </ul> </li> <li>a strategic justification of the development focusing on site selection and the suitability of the proposed site with respect to potential land use conflicts with existing and future surrounding land uses (including existing land use, residential and rural development, subdivision potential, Crown lands adjacent to the site and neighbouring industrial and infrastructure developments);</li> <li>an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including: <ul style="list-style-type: none"> <li>a description of the existing environment likely to be affected by the development using sufficient baseline data;</li> <li>an assessment of the likely impacts of all stages of the development, (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments</li> </ul> </li> </ul>

	<p>in the region in accordance with the <i>Cumulative Impact Assessment Guideline</i> (DPIE, July 2021);</p> <ul style="list-style-type: none"> <li>– a description of the measures that would be implemented to avoid, mitigate and/or offset the impacts of the development (including draft management plans for specific issues as identified below); and</li> <li>– a description of the measures that would be implemented to monitor and report on the environmental performance of the development;</li> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;</li> <li>• a detailed evaluation of the merits of project as a whole having regard to: <ul style="list-style-type: none"> <li>– the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;</li> <li>– the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and</li> <li>– feasible alternatives to the development (and its key components), including the consequences of not carrying out the development;</li> </ul> </li> <li>• a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department's guidance on the matter; and</li> <li>• a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.</li> </ul> <p>The EIS must also be accompanied by:</p> <ul style="list-style-type: none"> <li>• a report from a suitably qualified person providing a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived;</li> <li>• an estimate of the jobs that will be created during the construction and operational phases of the proposed infrastructure; and</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul> <p>The development application must be accompanied by the consent of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
<p><b>Key issues</b></p>	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> (NSW), the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), unless BCS and DPIE determine the proposed development is not likely to have any significant impacts on biodiversity values;</li> <li>– the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>– if an offset is required, details of the measures proposed to address the offset obligations.</li> <li>• <b>Heritage</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the impact to Aboriginal cultural heritage items (cultural and archaeological) in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and the Code of Practice for the <i>Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010);</li> <li>– provide evidence of consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures), having regard to the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010); and</li> <li>– assess the impact to historic heritage having regard to the <i>NSW Heritage Manual</i>.</li> </ul> </li> <li>• <b>Land</b> – including: <ul style="list-style-type: none"> <li>– a detailed justification of the suitability of the site and that the site can accommodate the proposed development having regard to its potential environmental impacts, permissibility, strategic context and existing site constraints; and</li> <li>– an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including: <ul style="list-style-type: none"> <li>○ a consideration of the project's location in a mine subsidence district, flood prone land, acid sulphate soils, Crown lands, Travelling Stock Reserve (TSR 70196 Lot 15 DP 905479), mining, quarries, mineral or petroleum rights;</li> <li>○ a soil survey to determine the soil characteristics and consider the potential for erosion to occur; and</li> <li>○ a cumulative impact assessment of nearby developments;</li> </ul> </li> <li>– an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including: <ul style="list-style-type: none"> <li>○ consideration of the zoning provisions applying to the land, including subdivision;</li> <li>○ completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's Land Use Conflict Risk Assessment Guide.</li> </ul> </li> </ul> </li> <li>• <b>Visual</b> – including an assessment of the likely visual impacts (including night lighting) of all components of the project (including transmission lines and any other ancillary infrastructure) on surrounding residences, scenic or significant vistas and road corridors in the public domain.</li> <li>• <b>Noise</b> – including an assessment of the construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG), operational noise impacts in accordance with the <i>NSW Noise Policy for Industry</i> (2017), cumulative noise impacts (considering other developments in the area), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria.</li> <li>• <b>Transport</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the peak and average traffic generation, including over-dimensional vehicles, construction worker transportation and transport of materials by rail;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>– an assessment of the likely transport impacts to the site access route, site access point(s), particularly in relation to the capacity and condition of the roads;</li> <li>– a cumulative impact assessment of traffic from nearby developments; and</li> <li>– provide details of measures to mitigate and / or manage potential impacts including a schedule of all required road upgrades (including resulting from heavy vehicle and over mass / over dimensional traffic haulage routes), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road authority.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Water</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources and measures proposed to monitor, reduce and mitigate these impacts;</li> <li>– details of water requirements and supply arrangements for construction and operation; and</li> <li>– a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with <i>Managing Urban Stormwater: Soils &amp; Construction</i> (Landcom 2004).</li> </ul> </li> <li>• <b>Hazards</b> – including: <ul style="list-style-type: none"> <li>– a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011);</li> <li>– a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' and Multi-Level Risk Assessment (DoP, 2011); and</li> <li>– an assessment of potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <i>Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>.</li> </ul> </li> <li>• <b>Social Impact</b> – including an assessment of the social impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPIE, July 2021);</li> <li>• <b>Economic</b> – including an assessment of the economic impacts or benefits of the project for the region and the State as a whole; and</li> <li>• <b>Waste</b> – identify, quantify and classify the likely waste stream to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.</li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>
<b>Legislation, Policies &amp; Guidelines</b>	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.</p>

	<p>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance">https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance</a></li> <li>• <a href="https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines">https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines</a>; and</li> <li>• <a href="http://www.environment.gov.au/epbc/publications#assessments">http://www.environment.gov.au/epbc/publications#assessments</a></li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners and any exploration licence and/or mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development, Muswellbrook Shire Council, and NSW Aboriginal Land Council.</p> <p>The EIS must:</p> <ul style="list-style-type: none"> <li>• detail how engagement undertaken was consistent with the <i>Undertaking Engagement Guide: Guidance for State Significant Projects</i> (DPIE, July 2021); and</li> <li>• describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, an explanation should be provided.</li> </ul>
<b>Expiry Date</b>	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>