



Mr Danny Wilkinson  
Project Development Manager  
ACENERGY PTY LTD  
Suite 502, 689 Burke Road  
Camberwell VICTORIA 3124

03/03/2022

Dear Mr Wilkinson

**Apsley Battery Energy Storage System (SSD-35160796)  
Planning Secretary's Environmental Assessment Requirements**

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the preparation of an environmental impact statement (EIS) for the Apsley Battery Energy Storage System (see Attachment 1).

The SEARs have been prepared in consultation with relevant public authorities, based on the information you have provided. A copy of the advice from the public authorities is attached for your information (see Attachment 2).

Where relevant, the Planning Secretary may modify the SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice.

Your SEARs will expire two years from the date of issue (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the Department at least three months prior to the expiry date.

If your Development Application (DA) and EIS is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

**Preparing your EIS**

The Department wishes to emphasise the importance of effective and genuine community consultation. A comprehensive open and transparent community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the community is provided with a good understanding of what is proposed, description of any potential impacts and they are actively engaged in issues of concern to them.

Your environmental impact statement (EIS) must be prepared having regard to the Department's new *State Significant Development Guidelines – Preparing an Environmental Impact Statement*. These guidelines and other relevant guides, including the *Undertaking Engagement Guidelines for State Significant Projects* are available at [www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework](http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework).

*Note - If you submit your EIS after 31 December 2022, a Registered Environmental Assessment Practitioner (REAP) will need to declare that your EIS meets certain standards in relation to compliance, completeness, accuracy and legibility.*

**Lodging your development application (DA)**

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the *Environmental Planning and Assessment Regulation 2021*. We will also notify you of the DA fee for your project.

Please note that **your DA is not taken to be lodged until the DA fee has been paid.**

To minimise lodgement delays, please contact the Department at least two weeks before you submit your DA and EIS to confirm DA fee payment arrangements. This will give us sufficient time to ensure your fees can be determined quickly.

**Information needed to determine the DA fee**

Your application will need to be accompanied by a Quantity Surveyor's Report supporting the estimated cost of works for your project. You must ensure that the information in the report is consistent with the information provided in your DA form.

If your project includes any subdivision of land, you must also ensure that your report includes a breakdown of estimated costs for any other component of your project.

Please submit the Quantity Surveyor's Report to the relevant officer two weeks prior to submitting your DA and EIS.

**Public exhibition requirements**

When you contact us, regarding the applicable DA fee, we will also advise whether hard and/or electronic copies of the DA and EIS will be required for public exhibition.

**Matters of National Environmental Significance**

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Commonwealth Department of Agriculture, Water and the Environment to determine if you need approval under the EPBC Act (<http://www.environment.gov.au> or 6274 1111).

Your assigned planning officer is Kurtis Wathen. If you have any questions, please contact Kurtis on 02 8289 6981 or at [kurtis.wathen@dpie.nsw.gov.au](mailto:kurtis.wathen@dpie.nsw.gov.au).

Yours sincerely,



Nicole Brewer  
Director

Energy Assessments

**as delegate for the Planning Secretary**

Attachment 1 – Planning Secretary's Environmental Assessment Requirements

Attachment 2 – Agency Advice

# Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*  
Part 8, Division 2 of the *Environmental Planning and Assessment Regulation 2021*

<b>Application Number</b>	SSD-35160796
<b>Project Name</b>	<p>Apsley 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 200 MW / 400 MWh; and</li> <li>associated infrastructure, including connection to existing transmission infrastructure.</li> </ul>
<b>Location</b>	Mitchell Highway, Apsley, approximately 10 km south of Wellington within the Dubbo Regional Local Government Area
<b>Applicant</b>	ACEnergy Pty Ltd
<b>Date of Issue</b>	03/03/2022
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8, Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</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 development, 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 in the region in accordance with the <i>Cumulative Impact Assessment Guideline</i> (DPIE, Nov 2021);</li> </ul> </li> </ul>

	<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:</li> </ul> <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> <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 the Dictionary of the EP&amp;A 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 23(1) of the EP&amp;A 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> <li>– if an offset is required, details of the measures proposed to address the offset obligations.</li> </ul> </li> <li>• <b>Heritage</b> – including:</li> </ul>

- an assessment of the impact to Aboriginal cultural heritage items (cultural and archaeological) in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and the Code of Practice for the *Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), including results of archaeological test excavations (if required);
- 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 *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010); and
- assess the impact to historic heritage having regard to the *NSW Heritage Manual*.
- **Land** – including:
  - 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;
  - an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including:
    - flood prone land, acid sulphate soils, Crown lands, mining, quarries, mineral or petroleum rights;
    - a soil survey to determine the soil characteristics and consider the potential for erosion to occur; and
    - a cumulative impact assessment of nearby developments;
  - an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including:
    - consideration of the zoning provisions applying to the land, including subdivision (if required);
    - completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guide*; and
  - a detailed assessment of the impact on agricultural resources and agricultural productivity, including:
    - an agricultural impact statement, including results of soil surveys;
    - consideration of potential mitigation measures which may reduce project impacts on agricultural land;
    - detailed economic assessment of impacts on agricultural land, agricultural production and agricultural supply chains; and
    - justification for the project considering other alternatives and site design which may have lesser impacts on agricultural land.
- **Visual** – including a detailed 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.
- **Noise** – including an assessment of the construction noise impacts of the development in accordance with the *Interim Construction Noise Guideline* (ICNG), operational noise impacts in accordance with the *NSW Noise Policy for Industry* (2017), cumulative noise impacts (considering other developments in the area), and a draft noise management plan if the assessment shows construction noise is likely

	<p>to exceed applicable criteria;</p> <ul style="list-style-type: none"> <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> <li>– an assessment of the likely transport impacts to the site access route, site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads, road safety and intersection performance;</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> </li> <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 <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (DoP, 2011);</li> <li>– a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i> and Multi-Level Risk Assessment (DoP, 2011). The PHA must consider all recent standards and codes and verify separation distances to on-site and off-site receptors to prevent fire propagation and compliance with <i>Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> (DoP, 2011); and</li> <li>– an assessment of potential hazards and risks including but not limited to bushfires, land contamination, 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, Nov 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</b>	The EIS must include all relevant plans, diagrams and relevant documentation

<b>Documents</b>	<p>required under Part 3 of the EP&amp;A 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, Dubbo Regional 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, Nov 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>



## Department of Planning and Environment

Kurtis Wathen  
Environmental Assessment Officer  
Planning and Assessment Group  
kurtis.wathen@dpie.nsw.gov.au

Our ref: DOC22/87014  
Your ref: SSD-35160796

Dear Kurtis

### Apsley Battery Energy Storage System - SEARs

I refer to your email dated 3 February 2022 seeking input into the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Assessment (EIS) for the Apsley Battery Energy Storage Site (SSD - 35160796).

The Biodiversity, Conservation and Science Directorate (BCS) has considered your request and provides SEARs for the proposed development in **Attachments A and B**.

BCS recommends the EIS needs to appropriately address the following:

1. Biodiversity and offsetting
2. Water and soils
3. Flooding

If you have any questions about this advice, please do not hesitate to contact Ben Ellis, Principal Project Officer, via [ben.ellis@environment.nsw.gov.au](mailto:ben.ellis@environment.nsw.gov.au) or (02) 8275 1838.

Yours sincerely,

**Samantha Wynn**  
**Senior Team Leader Planning North West**  
**Biodiversity, Conservation and Science Directorate**

9 February 2022

Attachment A - Environmental Assessment Requirements

Attachment B - Guidance Material



## Standard Environmental Assessment Requirements

BCS	Biodiversity, Conservation and Science Directorate of the NSW Department of Planning and Environment
The Department	NSW Department of Planning and Environment
NPWS	National Parks and Wildlife Service

### Controlled Actions under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

If the proposed development is likely to be a 'Controlled Action' under the EPBC Act, the accredited assessor should contact the BCS North West Planning team at [rog.nw@environment.nsw.gov.au](mailto:rog.nw@environment.nsw.gov.au) prior to submission of the EIS. The BCS North West Planning team can provide guidance on the minimum information requirements for the EIS for any entities that have been or are likely to be deemed a 'Controlled Action'

### Biodiversity

1. Biodiversity impacts related to the proposed project are to be assessed in accordance with [Section 7.9 of the Biodiversity Conservation Act 2016](#) the [Biodiversity Assessment Method 2020](#) and documented in a [Biodiversity Development Assessment Report \(BDAR\)](#). The BDAR must include information in the form detailed in the [Biodiversity Conservation Act 2016](#) (s6.12), [Biodiversity Conservation Regulation 2017](#) (s6.8) and [Biodiversity Assessment Method 2020](#), unless the Department determines that the proposed development is not likely to have any significant impacts on biodiversity values.
2. The BDAR must document the application of the avoid, minimise, and offset framework; including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the [Biodiversity Assessment Method 2020](#).
3. The BDAR must include details of the measures proposed to address the offset obligation as follows:
  - a. The total number and classes of biodiversity credits required to be retired for the development/project;
  - b. The number and classes of like-for-like biodiversity credits proposed to be retired;
  - c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
  - d. Any proposal to fund a [biodiversity conservation action](#);
  - e. Any proposal to conduct ecological rehabilitation (if a mining project);
  - f. Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the [reasonable steps](#) that have been taken to obtain requisite like-for-like biodiversity credits.

4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

#### Water and soils

6. The EIS must map the following features relevant to water and soils including:
  - a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map);
  - b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method);
  - c. Wetlands as described in s4.2 of the Biodiversity Assessment Method;
  - d. Groundwater;
  - e. Groundwater dependent ecosystems;
  - f. Proposed intake and discharge locations.
7. The EIS must describe background conditions for any water resource likely to be affected by the project, including:
  - a. Existing surface and groundwater;
  - b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations;
  - c. Water Quality Objectives ([as endorsed by the NSW Government](#)) including groundwater as appropriate that represent the community's uses and values for the receiving waters;
  - d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the [ANZECC \(2000\) Guidelines for Fresh and Marine Water Quality](#) and/or local objectives, criteria or targets endorsed by the NSW Government;
  - e. [Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions](#).
8. The EIS must assess the impacts of the project on water quality, including:
  - a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the project protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction;
  - b. Identification of proposed monitoring of water quality.
9. The EIS must assess the impact of the project on hydrology, including:
  - a. Water balance including quantity, quality and source;
  - b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas;
  - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems;
  - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches);

- e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water;
- f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options;
- g. Identification of proposed monitoring of hydrological attributes.

### Flooding

10. The EIS must map the following features relevant to flooding as described in the [Floodplain Development Manual 2005](#) including:
  - a. Flood prone land;
  - b. Flood planning area, the area below the flood planning level;
  - c. Hydraulic categorisation (floodways and flood storage areas);
  - d. Flood hazard.
11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
12. The EIS must model the effect of the proposed project] (including fill) on the flood behaviour under the following scenarios:
  - a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
13. Modelling in the EIS must consider and document:
  - a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies;
  - b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood;
  - c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories;
  - d. Relevant provisions of the NSW [Floodplain Development Manual 2005](#).
14. The EIS must assess the impacts on the proposed project on flood behaviour, including:
  - a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure;
  - b. Consistency with Council floodplain risk management plans;
  - c. Consistency with any Rural Floodplain Management Plans;
  - d. Compatibility with the flood hazard of the land;
  - e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land;
  - f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site;
  - g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses;

- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council;
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council;
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES;
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

## Guidance Material

Title	Web address
<b><u>Relevant Legislation</u></b>	
<i>Biodiversity Conservation Act 2016</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-2016-063">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-2016-063</a>
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<a href="https://www.legislation.gov.au/Details/C2014C00140/Download">https://www.legislation.gov.au/Details/C2014C00140/Download</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1979-203">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1979-203</a>
<i>Fisheries Management Act 1994</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1994-038">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1994-038</a>
<i>National Parks and Wildlife Act 1974</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1974-080">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1974-080</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1997-156">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1997-156</a>
<i>Water Management Act 2000</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-2000-092">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-2000-092</a>
<i>Wilderness Act 1987</i>	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1987-196">https://www.legislation.nsw.gov.au/view/html/inforce/curr/ent/act-1987-196</a>
<b><u>Biodiversity</u></b>	
Biodiversity Assessment Method (OEH, 2020)	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020</a>
Changes to the Biodiversity Assessment Method from 2017 to 2020	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/changes-to-the-biodiversity-assessment-method-from-2017-to-2020">https://www.environment.nsw.gov.au/research-and-publications/publications-search/changes-to-the-biodiversity-assessment-method-from-2017-to-2020</a>
BAM 2020 Operational Manual Stage 1	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1</a>
BAM Operational Manual Stage 2	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2</a>
BAM 2020 Operational Manual Stage 3	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-3">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-3</a>
BAM Calculator User Guide	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-user-guide">https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-user-guide</a>
Serious and irreversible impacts of development on biodiversity	<a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts">https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts</a>

<b>Title</b>	<b>Web address</b>
Practice Note - Guidance for assessors and decision makers in applying modified benchmarks to assessments of vegetation integrity: Biodiversity Assessment Method	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-assessors-decision-makers-applying-modified-benchmarks-to-assessments-vegetation-integrity">https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-assessors-decision-makers-applying-modified-benchmarks-to-assessments-vegetation-integrity</a>
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf</a>
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	<a href="https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2017-471">https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2017-471</a>
Ancillary rules: Biodiversity conservation actions	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-biodiversity-conservation-actions-170496.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-biodiversity-conservation-actions-170496.pdf</a>
Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-reasonable-steps-like-for-like-biodiversity-credits-170498.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-reasonable-steps-like-for-like-biodiversity-credits-170498.pdf</a>
Ancillary rules: Impacts on threatened species and ecological communities excluded from application of variation rules	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-impacts-on-threatened-entities-excluded-from-variation-170497.pdf?la=en&amp;hash=C38840BFF49F012433532DF72E3D90C741E4DAC1">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-impacts-on-threatened-entities-excluded-from-variation-170497.pdf?la=en&amp;hash=C38840BFF49F012433532DF72E3D90C741E4DAC1</a>
The Department's Threatened Species Website	<a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species">https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species</a>
NSW BioNet (Atlas of NSW Wildlife)	<a href="http://www.bionet.nsw.gov.au/">www.bionet.nsw.gov.au/</a>
Surveying Threatened Plants and their Habitats - NSW Survey Guide For The Biodiversity Assessment Method (DPIE 2020).	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method">https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method</a>
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - November 2004	<a href="https://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm">https://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm</a>
Threatened species survey and assessment guidelines: field survey methods for fauna – amphibians	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-field-survey-methods-for-fauna-amphibians">https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-field-survey-methods-for-fauna-amphibians</a>
NSW Survey Guide for Threatened Frogs	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs">https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs</a>



<b>Title</b>	<b>Web address</b>
Surveying 'species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method">https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method</a>
Bat calls of NSW - region-based guide to the echolocation calls of Microchiropteran bats	<a href="https://www.environment.nsw.gov.au/surveys/Batcalls.htm">https://www.environment.nsw.gov.au/surveys/Batcalls.htm</a>
Community Biodiversity Survey Manual	<a href="https://www.environment.nsw.gov.au/surveys/CommunityBiodiversitySurveyManual.htm">https://www.environment.nsw.gov.au/surveys/CommunityBiodiversitySurveyManual.htm</a>
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	<a href="http://www.environment.nsw.gov.au/research/Vegetationinformationssystem.htm">www.environment.nsw.gov.au/research/Vegetationinformationssystem.htm</a>
The Departments Data Portal (access to online spatial data)	<a href="http://data.environment.nsw.gov.au/">http://data.environment.nsw.gov.au/</a>
Fisheries NSW policies and guidelines	<a href="https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation">https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation</a>
List of national parks	<a href="https://www.nationalparks.nsw.gov.au/conservation-and-heritage/national-parks">https://www.nationalparks.nsw.gov.au/conservation-and-heritage/national-parks</a>
Revocation, recategorisation and road adjustment policy (OEH, 2012)	<a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment</a>
Guidelines for consent and planning authorities for Developments adjacent to National Parks and Wildlife Service Land (NPWS, 2020)	<a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf</a>
<b><u>Water and Soils</u></b>	
<b>Acid sulphate soils</b>	
Acid Sulfate Soils Planning Maps via Data.NSW	<a href="https://data.nsw.gov.au/data/dataset/acid-sulphate-soils-ass-planning-maps">https://data.nsw.gov.au/data/dataset/acid-sulphate-soils-ass-planning-maps</a>
Acid Sulfate Soils Manual (Stone et al. 1998)	<a href="https://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf">https://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf</a>
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	<a href="http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf">http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf</a> This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
<b>Flooding</b>	
Floodplain development manual	<a href="https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual">https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual</a>
Floodplain Risk Management Guidelines	<a href="http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines">http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines</a>
NSW Climate Impact Profile	<a href="http://climatechange.environment.nsw.gov.au/">http://climatechange.environment.nsw.gov.au/</a>

<b>Title</b>	<b>Web address</b>
Climate Change Impacts and Risk Management	<a href="https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management">https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management</a>
<b>Water</b>	
Water Quality Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
ANZECC & ARMCANZ (2000) Water Quality Guidelines	<a href="https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000">https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://deccnet/water/resources/AWQGuidance7.pdf">http://deccnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf">http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf</a>



### **Apsley Battery Energy Storage System**

The Department of Planning and Environment – Crown Lands has reviewed the proposal.

There is a Crown road contained within the project footprint, and two Crown roads adjoining the project footprint to the north of Lot 3 DP 1012686 and Lot 107 DP 756920 (Diagram A).

#### **For use and access to Crown land/roads/waterways**

As per section 1.1 Overview of the Apsley Battery Energy Storage System Report, Crown Lands notes that there are Crown roads within and adjoining the project area. These roads may provide legal access to the development but may not provide practical access. The Department advises that these roads should not be relied upon for practical access to the project site. It is also proposed, in section 2.3.2 Access and Figure 4, that transmission lines may be placed on or over Crown roads.

The Department will need to be referenced, prior to any use or occupation of any Crown roads or land, during the assessment phase.

Authority to use, traverse, access or build infrastructure on Crown roads (or Crown land) is required under the *Crown Land Management Act 2016* and/or Section 130 of the *Roads Act 1993*.

It is recommended that the proponent contact Crown Lands as early as possible to discuss and initiate the processes required to authorise the use of and/or access to the mentioned Crown roads.

If infrastructure needs to be built on Crown land or roads, the consent of the Minister for Lands and Water must be obtained, via Crown Lands, and constructed roads may need to be transferred to Council.

Please refer to the attached Diagram A, where Crown roads are shown in relation to the project site. Any Crown road required for access to the development/proposal, will need to be transferred to Council, or application made to close and purchase the roads.

Authority to access or use Crown roads is required prior to the commencement of any works or access. To avoid any delays for the proposal, a tenure may be required while transfer or purchase is progressed.

Information relating to Crown roads and Enclosure permits can be found at the following links:

<https://www.industry.nsw.gov.au/lands/access/roads> and  
<https://www.industry.nsw.gov.au/lands/use/enclosure-permits>

### **Lineal Infrastructure (e.g. Electricity Transmission lines) traversing Crown roads**

If lineal infrastructure (such as electricity transmission lines) are expected to traverse Crown roads, an easement 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](mailto:cl.acquisitions@crownland.nsw.gov.au).

Application for easements over the Crown roads for transmission lines will need to be made by the proponent. Information regarding the easement process is available at the below link:

<https://www.industry.nsw.gov.au/lands/use/easements>

As the easement process may be lengthy, it is also recommended that the proponent apply for a licence for each affected Crown road as soon as possible. A licence will temporarily authorise use and access for the infrastructure to traverse the Crown roads whilst the easement applications are being processed.

Details on how to apply for a licence are available at the below link:

<https://www.industry.nsw.gov.au/lands/use/licences>

The Department may also need to consider the transfer of the affected Crown roads to the local Council.

It is important to note that licences or easements must be in place before infrastructure can traverse the Crown roads and that authority must be in place before the Crown roads can be used, traversed, accessed or infrastructure can be built on them.

If the proponent requires further information, or has any questions, please contact Karen Hocking, Senior Property Management Officer in Crown Lands, on 02 6883 3332 or at [karen.hocking@crownland.nsw.gov.au](mailto:karen.hocking@crownland.nsw.gov.au).

Yours sincerely



Jacky Wiblin

**Group Leader – Dubbo Land & Asset Management**

**T** 02 6883 5427 | **E** [jacky.wiblin@crownland.nsw.gov.au](mailto:jacky.wiblin@crownland.nsw.gov.au)

### Diagram A Proposed Project Area

Lot identified for project area in yellow outline, Crown road identified as part of project area in red, adjoining Crown roads in orange and Crown roads with Enclosure Permits in green hatching.



OUT22/1130

Kurtis Wathen  
Planning and Assessment Group  
NSW Department of Planning and Environment

[kurtis.wathen@dpie.nsw.gov.au](mailto:kurtis.wathen@dpie.nsw.gov.au)

Dear Mr Wathen

**Apsley Battery Energy Storage System (SSD-35160796)  
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 3 February 2022 to the Department of Planning and Environment (DPE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://water.dpie.nsw.gov.au/home>).

Any further referrals to DPE Water and NRAR can be sent by email to [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au) or to the following coordinating officer within DPE Water:

Alistair Drew, Project Officer, E: [Alistair.drew@dpie.nsw.gov.au](mailto:Alistair.drew@dpie.nsw.gov.au)

Yours sincerely



Judy Court  
A/Project Officer, Assessments, Knowledge Division  
**Department of Planning and Environment: Water**  
7 February 2022





OUT22/1624

Kurtis Wathan  
Department of Planning  
C/ Major Projects Website

Dear Mr Wathan

**Advice to Requirements – Apsley Battery Energy Storage System (SSD-35160796)  
(Dubbo Regional)**

Thank you for the opportunity to provide input to the Environmental Assessment requirements for this proposal as outlined in your email on 3 February 2022.

The NSW Department of Primary Industries (DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. Important considerations in this case are the potential impact of agricultural resources, cumulative impacts on regional agricultural productivity, and the ability to rehabilitate the land to enable future agricultural reinvestment.

We note that the site is identified as lands with Class 3 and 6 lands (NSW Land and Soil Capability) and the Class 3 land is also mapped as Biophysical Strategic Agricultural Land. Although the site is only 18.3 hectares, the scoping reports notes the narrow extent of Class 3 land on site. The assessment needs to show how this land used for this development can be minimised as the land is currently also used for agriculture.

In the scoping report Section 6.2.3 Impact Identification states that the social impact assessment outcomes will look at environmental constraints of the site. We consider that the impact on the site and locality should be investigated in relation to the loss of agricultural land and the loss of agricultural production. We note the preliminary impact and opportunities include changes to the locality, landscape and visual amenity.

In relation to Agriculture (Section 6.4.2) the assessment of impacts of the proposal will be reviewed through a Land Use Conflict Risk Assessment (LUCRA). We note that the site is small but this development as like many other renewable energy developments continues to contribute to the loss of agricultural lands particular those mapped as important agricultural lands (that includes Biophysical Strategic Agricultural Land and, those lands mapped as Land and Soil Capability Class 1-3) in the Dubbo Regional Council area, that includes lands that are currently identified as draft State Significant Agricultural Lands. Hence our preference is that the development footprint is considered to take into account the avoidance of Class 3/BSAL land on its final location.

The draft SEARs do contain requirements in relation to:

- Assessment of the site including a soil survey. In relation to this information it can also be used for final rehabilitation outcomes to achieve this preconstruction land condition and land and soil capability.
- A detailed assessment of agricultural resources and agricultural productivity through an agricultural impact statement. This includes the cumulative impacts of the BESS and associated energy generation infrastructure on agricultural productivity in this

vicinity. As well the assessment of the biosecurity risk of the site including the development of a weed and pest management plan for construction and operation should also be undertaken.

- The final decommissioning phase should also consider the commitment to removal of all above and below ground infrastructure as part of a decommissioning and rehabilitation plan.

Should you require clarification on the information contained in this response, please contact myself on 0427949987 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)

Yours sincerely



**Mary Kovac**  
**Agricultural Landuse Planning Officer**  
**Central West and Orana**  
**17 February 2022**

**From:** [David Ward](#)  
**To:** [Kurtis Wathen](#)  
**Subject:** RE: Major Projects – New Request for Advice - Apsley Battery Energy Storage System (SSD-35160796) (Dubbo Regional)  
**Date:** Thursday, 10 February 2022 3:59:53 PM  
**Attachments:** [image001.png](#)

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Hi Kurtis,

There is no Key Fish Habitat within the project footprint. DPI Fisheries have no need for input into the SEARs. Unfortunately there is no scope to relay this information within the Major Projects portal.

Cheers

David

**David Ward** | Fisheries Manager  
DPI Fisheries - Freshwater Environment  
Department of Primary Industries  
4 Marsden Park Road | Calala NSW 2340  
T: +61 2 6763 1255 | M: +61 (0) 0429 908 856  
E: [david.ward@dpi.nsw.gov.au](mailto:david.ward@dpi.nsw.gov.au)  
W: [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

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**From:** no-reply@majorprojects.planning.nsw.gov.au <no-reply@majorprojects.planning.nsw.gov.au>  
**Sent:** Thursday, 3 February 2022 3:25 PM  
**To:** David Ward <david.ward@dpi.nsw.gov.au>; DPI AHP Central Mailbox <ahp.central@dpi.nsw.gov.au>  
**Cc:** Kurtis Wathen <kurtis.wathen@dpie.nsw.gov.au>  
**Subject:** Major Projects – New Request for Advice - Apsley Battery Energy Storage System (SSD-35160796) (Dubbo Regional)

The Department has sent you a request for advise in relation to the Apsley Battery Energy Storage System. The due date for this request is 17/02/22.

Please sign in to your account to view the details of this request and to upload your advice.

If you have any enquiries, please contact Kurtis Wathen on n/a /at [kurtis.wathen@dpie.nsw.gov.au](mailto:kurtis.wathen@dpie.nsw.gov.au).

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

The Department of Planning, Industry and Environment



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AD22/4587  
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DTQ:DQ

17 February 2022

Department Planning and Environment  
Energy, Resources and Industry Assessments  
4 Parramatta Square – 12 Darcy Street  
PARRAMATTA NSW 2150



Dear Mr Wathen

**Apsley Battery Energy Storage System SSD-35160796**

Property: Lots: 2 & 3 DP: 1012686, Lot: 107 DP: 756920, 9010 Mitchell Highway APSLEY  
Proposed development: Apsley Battery Energy Storage System

Thank you for the email received by Council 20 January 2022 requesting input into the preparation of the SEARs. Review of the application has raised a few issues which need to be addressed with the EIS and the submitted application. The issues raised read as follows:

(1) Construction Details

The proposed Battery Energy Storage System is proposed to occupy some 6 ha, comprising of 40 foot battery containers (numbers?), 40 foot inverter & MPVS containers (numbers?) and a switching station. It would standard for the proposal to also include offices, amenities, parking area, etc. Council would request that the EIS provide some basic plans (indicative) for the works proposed, enabling Construction Certificates (as required) to be issued easily against approved plans.

(2) Bushfire Prone Land

Although the subject site is not mapped as being Bushfire Prone, the subject land is bushfire prone by reason that the land has a grassland hazard present.

The scoping report on page 54 identifies that Planning for Bushfire Protection 2019 (PBP 2019) will be addressed in the development's EIS.

Lithium Ion Battery Fire Hazard

Whilst the risk of a fire at a BESS is low, actual lithium ion battery fires when they do occur are notoriously difficult to fight and extinguish. As the site has no reticulated water supply to assist fire-fighting operations, the development will need to undertake an appropriate hazard analysis in conjunction with the Fire & Rescue NSW to establish contingency's for fire-fighting. The



All communications to: **CHIEF EXECUTIVE OFFICER**

**ABN 53 539 070 928**

PO Box 81 Dubbo NSW 2830

**T** [02] 6801 4000 **F** [02] 6801 4259 **E** [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

Civic Administration Building Church St Dubbo NSW 2830

**W** [dubbo.nsw.gov.au](http://dubbo.nsw.gov.au)

Scoping Report and draft SEAR's identify that an assessment of potential hazards and risks is to be undertaken.

Consequently, the following matters should be addressed with the EIS:

- Detailed investigation of the grassland bushfire hazard, noting consultation with NSW Rural Fire Service;
- The Scoping Report at 6.13 makes reference to a Preliminary Hazard Analysis to consider EMF and fire risks. Such analysis needs to also address the difficulties of fighting lithium ion battery fires in conjunction with Fire & Rescue NSW.

(3) Access and Traffic

It is noted that the Scoping Report - 6.9 Access and Traffic, states that a Traffic Impact Assessment will be provided as part of the EIS. The proposed access to the site is proposed to be via the existing driveway at (Lot 2) 9010 Mitchell Highway, Apsley. The highway is 100km/hr zone, undulating and not straight (reducing sight-lines).

Council notes that the highway in this location is the responsibility of Transport for NSW, but it is recommended that further discussions take place between the parties.

(4) Crown Land

Council notes that the proposed BESS will need to cross Crown Land 'paper road' which exists on the eastern side of Lot 3 to access the existing powerlines. The matter will need to be discussed within the EIS on how best to proceed to ensure 'orderly development'.

If you have any enquiries in this matter, please do not hesitate to contact Mr Quigley during normal office hours, on 6801 4000.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D. Quigley', with a stylized flourish at the end.

*Darryll Quigley*  
Manager Building and Development Services



DOC22/88777-3

Energy Resources Assessment  
Planning and Assessment Division  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124  
Email: [kurtis.wathen@dpie.nsw.gov.au](mailto:kurtis.wathen@dpie.nsw.gov.au)

Attention :Kurtis Wathen

14 February 2022

**No Comment to Planning Advice Request - SSD-35160796**

Dear Mr Wathen

Thank you for the request for advice from Public Authority Consultation (PAE-36139134), requesting input from the NSW Environment Protection Authority (EPA) on the SEARs for the proposed Apsley Battery Energy Storage System (Application SSD-35160796) at 9010 Mitchell Highway, Apsley NSW.

The proposal is for:

- The construction and operation of battery energy storage systems (BESS) with an estimated capacity of up to 160MW/ 640MWh; and
- Associated infrastructure, including connection to existing powerlines to the east.

Based on the information provided, the proposal does not appear to require an environment protection licence under the *Protection of the Environment Operations Act 1997*. Furthermore, the EPA understands that the proposal is not being undertaken by or on behalf of a NSW Public Authority nor are the proposed activities other activities for which the EPA is the appropriate regulatory authority.

In view of these factors, the EPA has no comments to provide on this project and no follow-up consultation is required.

The EPA does not require any follow-up consultation and Dubbo Regional Council should be consulted as the appropriate regulatory authority for the *Protection of the Environment Operations Act 1997* in relation to the proposal.

If you have any questions about this request, please contact Isabella Rambaldini on (02) 6883 5358 or via email at [EPA.Westopsregional@epa.nsw.gov.au](mailto:EPA.Westopsregional@epa.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, reading 'Nick Feneley'.

**NICK FENELEY**  
**Unit Head**  
**Regulatory Operations, Regional West**

**Phone** 131 555

**TTY** 133 677

Locked Bag 5022

4 Parramatta Square

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

**Phone** +61 2 9995 5555

**ABN** 43 692 285 758

Parramatta

12 Darcy St, Parramatta

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(from outside NSW)

NSW 2124 Australia

NSW 2150 Australia



File Ref. No: FRN22/388 BFS22/388 8000019478  
TRIM Doc. No: D22/9207  
Contact: Senior Firefighter Lachlan Haar

16 February 2022

Kurtis Wathen  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 5022

Dear Kurtis Wathen

**Re: Comment on Secretary's Environmental Assessment Requirements (SEARs) for Apsley Battery Energy Storage System (SSD-35160796)**

Fire & Rescue NSW (FRNSW) acknowledge correspondence received on 3 February 2022, requesting input into the preparation of the SEARs for the Muswellbrook Battery Energy Storage System (BESS) (SSD-35160796).

FRNSW have reviewed the SEARS and make the following recommendations:

FRNSW will not be providing comment at this time as there is currently insufficient information available regarding the fire safety and emergency response management aspects of the project.

We request that we be given the opportunity to review and provide comment once approvals have been granted and the project has progressed such that there is more relevant detailed information available. FRNSW note that a SEPP 33 screening process will be conducted for the proposal.

As additional details become available Fire & Rescue NSW requests to be consulted with respect to the proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.

While there is currently no requirement for a fire safety study, FRNSW may request one be undertaken at a later stage should information be provided such it is deemed that the development poses unique challenges to the response to and management of an incident.

For further information please contact the Operational Liaison and Special Hazards Unit, referencing FRNSW file number BFS22/380. Please ensure that all correspondence in relation to this matter is submitted electronically to [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Hawes', with a stylized flourish at the end.

Superintendent John Hawes  
Manager  
Operational Liaison and Special Hazards Unit

Cc: [kurtis.wathen@dpie.nsw.gov.au](mailto:kurtis.wathen@dpie.nsw.gov.au)

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## HAZARD

A Preliminary Hazard Analysis (PHA), prepared in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' and Multi-level Risk Assessment* (DoP, 2011). The PHA must:

- Consider the most recent standards and codes such as and not limited to NFPA 855, AS 5139, IEC 62897, UL 9540, FM Global DS 5-33, and UL 9540A test reports when establishing separation distances;
- consider the scenarios and findings from the reports on the 2021 Victorian Big Battery fire, including fire propagation to the top-side of the adjacent BESS sub-units (containers, modules, etc.);
- Demonstrate that the separation distances between BESS to on-site or off-site receptors and the separation distances between BESS sub-units (containers, modules, etc.) prevent fire propagation;
- Verify that the areas designated for BESS are sufficient taking into account separation distances between BESS sub-units; and
- Demonstrate that the fire risks from BESS can comply with the Department's *Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning*.

The reports on the 2021 Victorian Big Battery Fire can be obtained from:

- <https://victorianbigbattery.com.au/wp-content/uploads/2022/01/VBB-Fire-Independent-Report-of-Technical-Findings.pdf>; and
- [https://esv.vic.gov.au/wp-content/uploads/2021/09/VBB\\_StatementOfFindings\\_FINAL\\_28Sep2021.pdf](https://esv.vic.gov.au/wp-content/uploads/2021/09/VBB_StatementOfFindings_FINAL_28Sep2021.pdf)

## HERITAGE NSW - Aboriginal Cultural Heritage - SEARs

### Project Name: Apsley Battery Energy Storage System (SSD-35160796) (Dubbo Regional)

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

**NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.**



Regional  
NSW

Kurtis Wathen  
Environmental Assessment Officer  
Energy Resource Assessment  
NSW Department of Planning & Environment  
12 Darcy Street  
Parramatta NSW 2150

Our ref: RDOC22/12498  
Your ref: SDD35160796

Emailed: via Major Projects Portal

14 February 2022

Dear Mr Kurtis

**Subject: Apsley Battery Energy Storage System - SSD35160796 – Request for Secretary's Environmental Assessment Requirements**

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Regional NSW – Mining, Exploration and Geoscience (MEG) – Geological Survey of NSW (GSNSW).

MEG-GSNSW has no additional requirements to those in the draft SEARs.

MEG-GSNSW has reviewed the Scoping Report (dated 28 January 2022) and acknowledges the proponent has attempted to consult (via email and phone) with Colossus Metals Pty Ltd and Silver City Minerals, holders of EL8735 and EL8971 respectively. MEG-GSNSW requests the proponent continue to attempt to consult with the exploration licence holders.

Queries regarding the above information should be directed to the MEG-GSNSW Land Use team at [landuse.minerals@geoscience.nsw.gov.au](mailto:landuse.minerals@geoscience.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Drummond'.

Malcolm Drummond  
Senior Geoscientist - Land Use Assessment  
for  
Steven Palmer  
Manager, Land Use Assessment  
Geological Survey of NSW – Mining, Exploration & Geoscience





## NSW RURAL FIRE SERVICE

Department of Planning and Environment (Sydney Offices)  
GPO Box 39  
Sydney NSW 2001

Your reference: SSD-29702120  
Our reference: DA20211125005152-SEARS-1

**ATTENTION:** Kurtis Wathen

Date: Sunday 6 February 2022

Dear Sir/Madam,

**Development Application**  
**State Significant – SEARS – Electricity Generating Works**  
**Awaba BESS 12 Toronto Street Toronto NSW 2283, 8//DP821188**

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 25/11/2021.

The NSW RFS has reviewed the provided documents and holds no objection to the proposed development proceeding, subject to a report being prepared by a suitably qualified bush fire consultant which demonstrates the proposed developments compliance with, or deviation from, the requirements of *Planning for Bush Fire Protection 2019*.

Moreover, the bush fire consultants report is to consider sections 8.3.5 and 8.3.9 of *Planning for Bush Fire Protection 2019* to determine if measures should be in place to mitigate against similar risks as identified within the subject development.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese  
**Supervisor Development Assessment & Plan**  
**Built & Natural Environment**

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

16/02/2022

WST22/00020/01 SF2022/024931

The Manager  
Resource and Energy Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

**Attention: Kurtis Wathen**

Dear Kurtis Wathen

**SSD-35160796: Request for input into the Secretary's Environmental Assessment Requirements (SEARs) for Apsley Battery Energy Storage System**

Thank you for the request for input into SEARs for the Apsley Battery Energy Storage System (BESS) development (SSD-35160796) via the Major Projects Planning Portal on the 3 February 2022.

From review of the scope TfNSW understands the project will involve:

- A new driveway from Mitchell Highway leading to a gated entry to the BESS site;
- Security fencing around the BESS with two rows of landscaping external to the western, northern, and southern fences;
- Permanent carpark and temporary loading zone adjoining the western security fence;
- 40-foot battery containers, separated into blocks;
- 40-foot inverter and MPVS containers, separated into rows;
- A 132kV switching station in the south-eastern corner of the BESS site;
- Underground or overhead 132 kV sub-transmission lines to connect the BESS to the existing powerlines to the east;
- Storage enclosures for storing equipment; and
- The construction period is expected to take 5 months and the BESS would be operational for approx. 30 years.

TfNSW provides the following for inclusion into the SEARs for the proposed development:

- A traffic Impact Assessment (TIA) is required to be prepared in accordance with *Austroads Guide to Traffic Management Part 12, the Roads and Maritime Supplements to Austroads and the RTA Guide to Traffic Generating Developments*. The TIA is to address the following.
- Detailed plans identifying the proposed location of any:
  - Project-related infrastructure within and outside of the project boundary.
  - Transmission line infrastructure, or any other project-related structures, within a road reserve. Include demarcation of local and classified road reserves. Section 2.2 of the scoping report states the proposed connecting electricity transmission line will cross unconstructed crown road reserve. Crown Roads are managed by the Department of

Primary, Industry & Environment (DPIE). Written concurrence/support from DPIE for the use of the identified Crown Road, and any associated works is required.

- Permanent or temporary connection/access to classified roads.
- Cumulative impacts:
  - Identify and assess the implications of road and rail projects including the projects identified in section 6.14 of the scoping report, that will potentially be occurring simultaneously with the scheduling of the OSOM movements along the proposed OSOM routes.
  - An assessment should be undertaken as a part of the EIS and TIA to identify the projects that will have overlapping construction periods and assess the cumulative traffic impacts with emphasis on the following:
    - The cumulative impacts from traffic generated from the construction workforces in terms of the routes, access, AM/PM peaks where there is overlap with other projects.
    - The cumulative impacts of heavy vehicle movements in terms of AM/PM peaks and routes where there is an overlap with other projects.
    - Cumulative impacts and consideration in relation to the timing of movements of OSOMs where other projects will be utilising the same routes as proposed for this development.
- Heavy vehicle and OSOM routes:
  - Identify all OSOM routes for each potential transport route highlighted in Section 6.9 of the scoping report dated January 2022.
  - National Heavy Vehicle Regulator (NHVR) approved routes identified on the Restricted Access Maps (RAV MAP) are to be utilised for the heavy vehicle routes for the proposed development.
  - The TIA is required to include details on the number of OSOM movements, the intended time for OSOM movements to occur and identify the location of rest areas required along the OSOM routes.
  - Flooding events and the implications to the OSOM and heavy vehicle routes should be considered within the TIA given the proximity of the development to the Bell River.
- Project schedule:
  - Hours and days of work, number of shifts and start and end times.
  - Phases and stages of the project, including construction, operation and decommissioning.
- Traffic volumes:
  - Existing background traffic.
  - Project-related traffic for each phase or stage of the project.
  - Projected cumulative traffic at commencement of operation, and a 10-year horizon post-commencement.
- Traffic characteristics:
  - Number and ratio of heavy vehicles to light vehicles,
  - Peak times for existing traffic,
  - Peak times for project-related traffic including commuter periods,
  - Proposed hours for transportation and haulage,
  - Interactions between existing and project-related traffic,
  - Inclusion of the traffic generated from ancillary components such as haulage from quarries to the project site, transmission lines etc.
- The origins, destinations and routes for:
  - Commuter (employee and contractor) light vehicles and pool vehicles.
  - Heavy (haulage) vehicles.
  - Over size and over mass vehicles.
- Road safety assessment of key haulage route/s,
- The impact of traffic generation on the public road network and measures employed to ensure traffic efficiency and road safety during construction, operation and decommissioning of the project.

- The need for improvements to the road network, and the improvements proposed such as road widening and intersection treatments, to cater for and mitigate the impact of project related traffic.
- Proposed road facilities, access and intersection treatments are to be identified and be in accordance with Austroads Guide to Road Design including provision of Safe Intersection Sight Distance (SISD).
- Local climate conditions that may affect road safety during the life of the project (e.g. fog, wet and dry weather, icy road conditions).
- The layout of the internal road network, parking facilities and infrastructure.
- Impact on rail corridors and level crossings detailing any proposed interface treatments.
- Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
- Identification and assessment of potential impacts of the project, lighting, visual, noise, dust and drainage on the function and integrity of all affected public roads.
- Controls for transport and use of any dangerous goods in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development, the Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances*.

TfNSW encourages early discussions with proponents regarding the traffic and network matters associated with State Significant Developments. If you would like to arrange a meeting contact Hayley Sarvanandan via [development.western@transport.nsw.gov.au](mailto:development.western@transport.nsw.gov.au).

Yours faithfully



**Alexandra Power**  
**Team Leader Development Services**  
**Development Services West**  
**Regional and Outer Metropolitan**

Transgrid reference number: 2022-050

Proposal: State Significant Development (SSD-35160796) - Apsley Battery Energy Storage System

- i. This is also not a customer project yet.
- ii. We have sent CPA for execution to customer but haven't received the signed copy yet.
- iii. The proponent will need to engage TransGrid via executing a connection Processes Agreement to finalise the connection to Transgrid's network.
- iv. The EIS will need to include all connection assets including the new transmission line cut in to the existing transmission line, a new transmission line/substation and access roads for the new infrastructure assets.