Notice of decision

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

Application type	State significant development
Application number and project name	SSD-50903958 Mt Piper Battery Energy Storage System.
Applicant	EnergyAustralia NSW Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

On 15 November 2024, the Acting Executive Director, Energy, Resources and Industry Assessments, granted consent to the development application for the Mt Piper Battery Energy Storage System subject to conditions, under delegation from the Minister for Planning and Public Spaces and section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**).

A copy of the Department of Planning, Housing and Infrastructure's assessment report and development consent are available here.

Date of decision

15 November 2024

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
  - enabling energy to be stored and dispatched during peak demand, supporting grid stability and energy security;
  - contributing to a more diverse local economy;
  - creating up to 177 construction jobs and up to 10 operational jobs;
  - contributions offered to Lithgow City Council of approximately $2 million through a Planning Agreement (PA);
  - a capital investment of approximately $1.02 billion;
  - storage of energy for dispatch to the National Electricity Market; and
  - assisting in transitioning the electricity sector from coal and gas fired power stations to renewable energy;
- the project is permissible with consent, and is consistent with NSW Government policies including the *NSW Net Zero Plan Stage 1: 2020 – 2030* and associated *Implementation Update* and the *Central West Orana Regional Plan 2041;*
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- none of the NSW Government agencies nor Council object to the project;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects,* including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest, subject to the strict conditions of the consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 31 May 2024 until 27 June 2024 (28 days) and received 40 public submissions, with 2 supporting the project and 38 objecting, including two submissions from special interest groups.

The Applicant engaged with the community during the preparation of the EIS and detailed the findings of the engagement, including how it influenced the scope and design of the project, in the EIS.

The Department consulted with government agencies and Lithgow City Council throughout the assessment process.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include energy security and hazards (fire and contamination). Other issues are addressed in detail in the department's assessment report.

Issue	***Consideration***
Hazards Fire risk and Contamination	*Assessment* • The Applicant has undertaken a preliminary hazards analysis (PHA) which concluded that the risks would not exceed the acceptable risk criteria or can be mitigated subject to implementation of recommendations. • To actively manage fire risk, an asset protection zone would be established and maintained. In addition, a water supply tank of at least 20,000-litres would be provided. • A Fire Safety Study would be prepared along with an Emergency Plan to support the development. • A site investigation found that the risk of contamination at the site is unlikely and no further assessment or remediation is required. *Conditions* • Develop a Fire Safety Study prior to the commencement of construction. • Develop an Emergency Plan prior to commencement of commissioning. • Store and handle all chemicals, fuels and oils and used on-site in accordance with relevant standards. • Provide an asset protection zone in accordance with RFS's *Planning for Bushfire Protection* 2019 and *Standards for Asset Protection Zones*.
Energy Security, Cost and Resource Recovery	*Assessment* • The project aligns with a range of Commonwealth and State policies, which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability. • Battery storage provides 'firming capacity' by contributing to dispatchable energy availability during peak energy demands or when renewable production is low. • Importantly, the project would also contribute to energy security and reliability by providing frequency control ancillary services and system restart ancillary services, meaning the project would contribute to energy supply. • On balance, the Department considers the environmental benefit of reducing greenhouse gas emissions outweigh any manufacturing impacts. *Conditions* • Minimise harm to the environment.