

## Planning Secretary's Environmental Assessment Requirements

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

<b>Application Number</b>	SSD-61707209
<b>Project Name</b>	Upper Hunter Battery Energy Storage System, which includes: <ul style="list-style-type: none"> <li>- the construction, operation and decommissioning of a battery energy storage system (BESS) with an estimated capacity of approximately 400 MW / 800 MWh; and</li> <li>- associated infrastructure including transmission, switching station and connection works.</li> </ul>
<b>Location</b>	Campbell St, Aberdeen within Upper Hunter Shire LGA
<b>Applicant</b>	MAIZEWOOD PTY LTD
<b>Date of Issue</b>	28/09/2023
<b>General Requirements</b>	<p>The environmental impact statement (EIS) for the development must comply with the requirements in part 8, Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> (the 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>• a 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, including any staging of the development;</li> <li>- a high quality site plan at 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 other proposed or approved energy facilities, Crown lands within and adjacent to the project site, rural residential development and subdivision potential);</li> <li>• a risk assessment of the potential impacts of the development, identifying the key issues for further assessment;</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</li> </ul> </li> </ul>

	<p>development using sufficient baseline data;</p> <ul style="list-style-type: none"> <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, approved or proposed developments in the region and impacts on the site and any road upgrades, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice including the <i>Cumulative Impact Assessment Guideline</i> (DPIE, 2021);</li> <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> </ul> <ul style="list-style-type: none"> <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 the 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>, including the objects of the Act 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 siting and project design alternatives to avoid areas of biodiversity value and 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</li> </ul> <p><b>Capital Investment Value and Employment</b></p> <ul style="list-style-type: none"> <li>• Provide a detailed calculation of the capital investment value (CIV) of the development, prepared by an AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor in accordance with Planning Circular PS 21-020: Calculation of Capital Investment Value. The calculation of the estimated CIV is to be accurate at the date of application and include details of all components and assumptions from which it is derived.</li> <li>• Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided.</li> </ul> <p>The development application must be accompanied by</p> <ul style="list-style-type: none"> <li>• the consent of the owner/s of the land (as required in Section 23(1) of the EP&amp;A Regulation); and</li> <li>• a declaration from a Registered Environmental Assessment Practitioner that the EIS includes the information specified in the <i>Department's Registered Environmental Assessment Practitioner Guidelines</i>.</li> </ul>
<b>Key issues</b>	<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</i></li> </ul> </li> </ul>

*Act 2016 (NSW) (BC Act)*, the *Biodiversity Assessment Method (BAM) 2020* and documented in a Biodiversity Development Assessment Report (BDAR), including a detailed description of the proposed regime for avoiding, minimising, managing and reporting on the biodiversity impacts of the development over time, and a strategy to offset any residual impacts of the development in accordance with the BC Act, unless BCD and DPE determine the proposed development is not likely to have any significant impacts on biodiversity values;

- an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the *Fisheries Management Act 1994*, and a description of the measures to minimise and rehabilitate impacts;
  - the BDAR must document the application of the avoid, minimise and offset framework in accordance with the BAM; and
  - if an offset is required, details of the measures proposed to address the offset obligation.
- **Heritage** – including:
    - 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);
    - 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, land contamination, 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:
      - agricultural land, flood prone land, Crown lands, mining, quarries, mineral or petroleum rights; and
      - a soil survey to determine the soil characteristics and consider the potential for salinity, acid sulfate soils and erosion to occur;
      - 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*;
      - assessment of impact on agricultural resources and agricultural

production on the site and region.

- **Visual** – including a detailed assessment of the likely visual impacts of all components of the project (including transmission lines, substations and any other ancillary infrastructure) on surrounding residences and key locations, scenic or significant vistas and road corridors in the public domain and provide details of measures to mitigate and/or manage potential impacts;
- **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 to exceed applicable criteria;
- **Transport** – including:
  - an assessment of the peak and average traffic generation, including over-dimensional vehicles and construction worker transportation;
  - an assessment of the likely transport impacts to the site access route(s), site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads, road safety and intersection performance;
  - a cumulative impact assessment of traffic from nearby developments; and
  - 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;
- **Water** – including:
  - a detailed and consolidated site water balance and an assessment of the likely impacts of the development (including flooding) on surrounding watercourses (including their Strahler Stream Order) and groundwater resources and measures proposed to monitor, reduce and mitigate these impacts including water management issues;
  - details of water requirements and supply arrangements for construction and operation;
  - a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with *Managing Urban Stormwater: Soils & Construction* (Landcom 2004);
  - assessing the impacts of the development, including any changes to flood risk and overland flows on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required;
  - where the project involves works within 40 metres of any river, lake or wetlands (collectively waterfront land), identify likely impacts to the waterfront land, and how the activities are to be designed and implemented in accordance with the *DPI Guidelines for Controlled Activities on Waterfront Land* (2018) and (if necessary) *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (DPI 2003), and *Policy & Guidelines for Fish Habitat Conservation & Management* (DPE, 2013).

	<ul style="list-style-type: none"> <li>• <b>Hazards</b> – including: <ul style="list-style-type: none"> <li>- a preliminary risk screening completed in accordance with the <i>State Environmental Planning Policy (Resilience and Hazards)</i> and <i>Applying SEPP 33</i> (DoP, 2011);</li> <li>- a Preliminary Hazard Analysis (PHA) prepared in accordance with <i>Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (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);</li> <li>- an assessment of potential hazards and risks including but not limited to assessment of bushfire risk against the <i>RFS Planning for Bushfire Protection 2019</i>, electromagnetic fields or the proposed grid connection infrastructure against the <i>International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>.</li> </ul> </li> <li>• <b>Social and Economic</b> – including an assessment of the social and economic impacts in accordance with the <i>Social Impact Assessment Guideline</i> (DPE, Feb 2023), any benefits of the project for the region and the State as a whole, including consideration of any increase in demand for community infrastructure services, consideration of construction workforce accommodation, assessment of impact on agricultural resources and agricultural production on the site and region; and</li> <li>• <b>Waste</b> – a waste management plan to 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 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, relevant government agencies, Upper Hunter Shire Council and Muswellbrook Shire 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 Guidelines for State Significant Projects</i> (DPIE, 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>