Department of Planning, Housing and Infrastructure

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

Application Number	SSD - 71680710
Project	Gara Battery Energy Storage System, which includes: • the construction, operation and decommissioning of a battery energy storage system (BESS) with an estimated capacity of approximately 400MW / 1760 MWh; and • associated infrastructure including transmission and connection works.
Location	Woodlands Road, approximately 8km east of Armidale within the Armidale Local Government Area (LGA) and New England Renewable Energy Zone.
Proponent	ACEnergy Pty Ltd
Date of Issue	19 July 2024
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in Part 8 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) and must have regard to the *State Significant Development Guidelines*, and any relevant planning circulars. In particular, the EIS must include: • a stand-alone executive summary; • a full description of the development, including: - details of construction, operation and decommissioning, including any staging of the development; - 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); - the Project Area (as per Table 1 of the *SSD guidelines - preparing an environmental impact statement*) and Development Footprint (disturbance area including but not limited to areas for infrastructure, road works, access tracks, defendable space, fencing and temporary laydown); - a high quality detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development; and - confirmation if the project is designated development in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Regulation;

	• consistency in information presented in the EIS and all technical reports, including distances, development footprint, project design and infrastructure proposed, construction timeframes and receiver numbers; • a table of commitments including mitigation measures; • 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, other proposed or approved energy facilities, major projects, rural/residential development, Crown lands within and adjacent to the project site and subdivision potential); • a risk assessment of the potential impacts of the development, identifying the key issues for further assessment; • an assessment of the likely impacts of the development on the environment, and any other significant issues identified in the above risk assessment, focusing on the specific issues identified below, including: - a description of the existing environment likely to be affected by the development using sufficient baseline data; - 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 *Cumulative Impact Assessment Guideline* (DPIE, 2022); - a description and assessment if staging of the project is proposed, including any site mobilisation or pre-construction works; - 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 - a description of the measures that would be implemented to monitor and report on the environmental performance of the development; • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; • a detailed evaluation of the merits of the project as a whole, having regard to: - the requirements in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, 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; - the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; - feasible alternatives to the development and its key components, including siting and project design alternatives to avoid areas of biodiversity value, opportunities for shared infrastructure with proposed developments in the region, and the consequences of not carrying out the development; and - 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. **Estimated Development Cost and Employment** • Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report; • 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; • The development application must also be accompanied by: - the consent of the owner/s of the land (as required in Section 23(1) of the EP&A Regulation); and - a declaration from a Registered Environmental Assessment Practitioner that the EIS includes the information specified in the *Department's Registered Environmental Assessment Practitioner Guidelines*.
Key issues	The EIS must address the following specific matters: **Biodiversity** – including: • an assessment of the biodiversity values, and the likely biodiversity impacts of the project, in accordance with Section 7.9 of the *Biodiversity Conservation Act 2016* (NSW) (BC Act), having regard to the *Biodiversity Assessment Method* (BAM) *2020* and documented in a Biodiversity Development Assessment Report (BDAR). • The BDAR must: - be prepared using the approved BDAR template; - document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; - assess the impacts associated with all ancillary infrastructure, including the transport route road upgrades; - include an assessment for serious and irreversible impacts (SAII) in accordance with Section 9.1 of the BAM; - include a strategy to offset any residual impacts of the development in accordance with the BC Act; and - be finalised by an accredited assessor as BAM-compliant within 14 days of submission, unless BCS and DPHI 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; • a cumulative impact assessment of biodiversity values in the region from nearby developments; and • if an offset is required, details of the measures proposed to address the offset obligations.

	Heritage – including: • An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared 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), identifying, describing, and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site (including impacts from any proposed earthworks. construction works and road works), including results of archaeological test excavations (where required), undertaken in accordance with the relevant standards and requirements; • evidence of adequate and ongoing consultation with Aboriginal communities in determining and assessing impacts, identifying and selecting options for avoidance of Aboriginal cultural heritage and identifying appropriate and mitigation measures (including the final proposed measures), having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010), including the consultation process within; 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, nearby drinking water catchments, Crown lands, mining, quarries, mineral or petroleum rights (if relevant); - a soil survey to determine the soil characteristics and consider the potential for salinity, acid sulfate soils, and 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 in consultation with Council (if proposed); - completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guide*; and - an assessment of impact on agricultural resources and agricultural production on the site and region. **Visual** – including a detailed assessment of the likely visual impacts (including night lighting) of all components of the project (including transmission lines, substations and any other ancillary infrastructure) on surrounding residences (including approved developments, lodged development applications and dwelling entitlements) 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 (including impacts from proposed road upgrades) 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) and cumulative noise impacts (considering other developments in the area), including (where appropriate):
	• identification of impacts associated with construction, site emission and traffic generation at noise affected sensitive receivers, including the provision of operational noise contours;
	• details of noise monitoring survey, background noise levels and amenity noise levels at the most-affected residential receivers
	• details of manufacturer specifications for plant and equipment and noise source inventory (demonstrating worst-case modelling of plant and equipment);
	• an assessment of 'worst case' noise emission scenarios;
	• consideration of annoying characteristics of noise and prevailing meteorological conditions in the study area; and
	• details and analysis of the effectiveness of proposed management and mitigation measures to adequately manage identified impacts, including a clear identification of residual noise and vibration impacts following application of these mitigation measures and details of any proposed compliance monitoring programs.
	
	Transport – including:
	• an assessment of the peak and average traffic generation, including light vehicles, shuttle buses, heavy vehicles and high risk heavy vehicles requiring escort and construction worker transportation;
	• an assessment of the likely transport impacts to the site access route(s), including the above listed vehicles, 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 (developed in consultation with the relevant road authorities)
	  - a schedule of all required road upgrades (including resulting from heavy vehicle and over mass / over dimensional traffic haulage routes),
	  - clear figures of proposed road upgrades (including the site access point), and
	  - road maintenance contributions, and any other traffic control measures.
	
	Water – including:
	• an assessment of the likely impacts of the development (including flooding and flood modelling) on surrounding watercourses (including their Strahler Stream Order), groundwater resources and surface water movements, and measures proposed to monitor, reduce and mitigate these impacts including water management issues;
	• a site water balance for the development;
	• details of water requirements and supply arrangements for construction and operation (including consultation with suppliers);

	• 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) and *Managing Urban Stormwater: Soils and construction - Volume 2A manual* (Landcom, 2008); • 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); and • identification of any flood risk on site having regard to adopted flood studies, the potential effects of climate change and any relevant provisions of the NSW Flood Risk Management Manual; - where the development could alter flood behaviour, affect flood risk to the existing community or expose its users to flood risk, provide a flood impact and risk assessment (FIRA) prepared in accordance with the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01; and - detailed design solutions and operational procedures to mitigate flood risk where required. **Hazards** – including: • a preliminary risk screening completed in accordance with the State Environmental Planning Policy (*Resilience and Hazards*); • a Preliminary Hazard Analysis (PHA) prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis* (DoP, 2011) 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 the Department's *Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning* (DoP, 2011) and include the key design parameters identified in the PHA within the project description. The PHA must consider the effect of bushfires on batteries or other components of the BESS; • *Health* – an assessment of potential hazards and risks including but not limited to fires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure against *the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields*; • *Bushfire* - identify potential hazards and risks associated with bushfires / use of bushfire prone land including the risks that a BESS would

	cause a bush fire and demonstrate compliance with the RFS *Planning for Bush Fire Protection 2019*; and • Dangerous Goods – a preliminary risk screening completed in accordance with the *State Environmental Planning Policy (Resilience and Hazards)*. **Social** – including an assessment of the social impacts or benefits of the project for the region and the State as a whole in accordance with the *Social Impact Assessment Guideline* (DPE, 2023), including consideration of any increase in demand for community infrastructure services, and consideration of construction workforce accommodation. **Economic** – including an assessment of the economic impacts or benefits of the project for the region and the State as a whole and provide details of any proposed voluntary benefit sharing programs. **Waste -** including • identify, quantify and classify the likely waste stream to be generated during construction, operation, and decommissioning, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste (in consultation with waste facilities, including Council); and • provide a waste management plan (as appropriate).
Plans and Documents	The EIS must include all relevant plans, diagrams and relevant documentation required under Part 3 of the EP&A Regulation. Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.
Legislation, Policies & Guidelines	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at: • https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance; • https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines; and • http://www.environment.gov.au/epbc/publications#assessments.
Consultation	During the preparation of the EIS, you should consult with the relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners and any exploration licence and/or mineral title holders. In particular, you must undertake detailed consultation with affected landowners surrounding the development, relevant government agencies, including the relevant local Council. The EIS must: • detail how engagement undertaken was consistent with the *Undertaking Engagement Guidelines for State Significant Projects* (DPIE, 2021); and • 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.
Expiry Date	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.

Appendix A

Guidelines for preparing assessment documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for proposals being assessed under the NSW Assessment Bilateral

Gara Battery Energy Storage System (EPBC 2025/10102)

Introduction

1. On 1 April 2025, a delegate of the Minister for the Environment and Water (Environment Minister), determined Gara Battery Energy Storage System (Gara BESS) was a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act controlling provisions for the proposed actions are:

    i. listed threatened species and communities (sections 18 and 18A).

2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and as such, is required to be assessed in the manner specified in Schedule 1 to that Agreement, including, addressing the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).
3. The proponent must undertake an assessment of all protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Federal Minister for the Environment and Water considers that the proposed action is likely to have a significant impact on threatened species and communities listed in **Appendix A**.
4. The proponent must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the proponent to undertake an analysis of the relevant impacts and ensure all protected matters that are likely to be impacted are assessed for the Commonwealth Minister's consideration.

General Requirements

Relevant Regulations

5. The Environmental Impact Statement (EIS) must address all matters outlined in Schedule 4 of the EPBC Regulations and all matters outlined below in relation to the controlling provisions.

Project Description

6. The title of the action, background to the action and current status.
7. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on Matters of National Environmental Significance (MNES).
8. How the action relates to any other actions that have been, or are being taken in the region affected by the action.
9. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

Impacts

10. The EIS must include an assessment of the relevant impacts[1] of the action on the matters protected by the controlling provisions, including:

    i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;

    ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;

    iii. analysis of the significance of the relevant impacts; and

    iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Avoidance, mitigation and offsetting

11. For each of the relevant matters protected that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:

    i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,

    ii. any statutory policy basis for the mitigation measures;

    iii. the cost of the mitigation measures;

    iv. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;

    v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

12. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.

13. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:

    i. conservation advice or recovery plan for the species or community;

    ii. relevant threat abatement plan for the species or community;

    iii. wildlife conservation plan for the species; and

    iv. any strategic assessment.

Note: the relevant guidelines and policy statements for each species and community are available from the Department of Climate Change, Energy, the Environment and Water Species Profiles and Threats Database. http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl]

14. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraphs 15-17.

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[1] Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

Key Issues

Biodiversity (threatened species and communities and migratory species)

Assessment Requirements

15. The EIS must identify each EPBC Act listed threatened species and community and migratory species likely to be impacted by the action. For any species and communities that are likely to be impacted, the proponent must provide a description of the nature, quantum and consequences of the impacts. For species and communities potentially located in the project area or in the vicinity that are not likely to be impacted, provide evidence why they are not likely to be impacted.
16. For each of the EPBC Act listed threatened species and communities and migratory species likely to be impacted by the action the EIS must provide a separate:

    i. description of the habitat (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans;

    ii. details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements;

    iii. description of the relevant impacts of the action having regard to the full national extent of the species or community's range;

    iv. description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;

    v. identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;

    vi. a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established;

    vii. details of how the current published NSW Biodiversity Assessment Method (BAM) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts; and

    viii. details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the action in accordance with the BAM and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites.

Note: For the purposes of approval under the EPBC Act, it is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action and deliver an overall conservation outcome that improves or maintains the viability of the MNES i.e. 'like for like'. Like-for-like includes protection of native vegetation that is the same ecological community or habitat being impacted (preferably in the same region where the impact occurs), or funding to provide a direct benefit to the matter being impacted e.g. threat abatement, breeding and propagation programs or other relevant conservation measures.

17. Any significant residual impacts not addressed by the BAM may need to be addressed in accordance with the EPBC Act 1999 Environmental Offset Policy. https://www.dcceew.gov.au/environment/epbc/publications/epbc-act-environmental-offsets-policy.

Other approvals and conditions

18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations.

Environmental Record of person proposing to take the action

19. Information in relation to the environmental record of a person proposing to take the action must include details as prescribed in Schedule 4 Clause 6 of the EPBC Regulations.

Information Sources

20. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

REFERENCES

- *Environment Protection and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E
- *Environment Protection and Biodiversity Conservation Regulations 2000* Schedule 4
- Amending Agreement No. 1 (2020) - Item 18.1, Item 18.5, Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013) EPBC Act
- *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012

The international conventions, management plans and principles that must be considered in relation to this proposal include:

- Listed threatened species and communities
    - Australia's obligations under the:
        - Convention on Biological Diversity,
        - the Convention on Conservation of Nature in the South Pacific (Apia Convention),
        - the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
    - Any relevant recovery plans or threat abatement plans.
- Relevant conservation advice/s: http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl
- Bioregional plans.
- Relevant strategic assessment reports.

Appendix A

Protected matters relevant to the Gara Battery Energy Storage System (EPBC 2025/10102) project

Specific risks

Key risks associated with the proposed action from the Commonwealth perspective include potential impacts to EPBC listed threatened species and ecological communities resulting from the clearing of native vegetation in the project footprint, and potential for indirect impacts as a result of project activities.

Listed threatened species and communities

Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to:

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered

Note: uncertainty around the extent and number of protected matters that may be impacted will need to be resolved through the assessment process once final alignment and construction plans have been completed.

Note: this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under these controlling provisions are assessed for the Commonwealth decision-maker's consideration.