# 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

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| **Application Number** | SSD-72430958 |
| **Project** | Finley BESS, which includes:<br>• the construction, operation and decommissioning of a battery energy storage system (BESS) with an estimated capacity of approximately 100MW / 200 MWh; and<br>• ancillary infrastructure including transmission and connection works. |
| **Location** | Riverina Highway, Finley, within the Berrigan Shire LGA |
| **Proponent** | BESS Pacific Pty Ltd |
| **Date of Issue** | 18 July 2024 |
| **General Requirements** | The Environmental Impact Statement (EIS) for the development 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.<br><br>In particular, the EIS must include:<br>• a stand-alone executive summary;<br>• a full description of the development, including:<br>- details of construction, operation and decommissioning, including any staging of the development;<br>- 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);<br>- 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);<br>- 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 |

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| | - confirmation if the project is designated development in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Regulation;<br>• 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;<br>• a table of commitments including mitigation measures;<br>• 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);<br>• a risk assessment of the potential impacts of the development, identifying the key issues for further assessment;<br>• 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:<br>- a description of the existing environment likely to be affected by the development using sufficient baseline data;<br>- 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);<br>- a description and assessment if staging of the project is proposed, including any site mobilisation or pre-construction works<br>- 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<br>- a description of the measures that would be implemented to monitor and report on the environmental performance of the development;<br>• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;<br>• a detailed evaluation of the merits of the project as a whole, having regard to:<br>- 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;<br>- the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses;<br>- 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 |

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| | - 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.<br><br>**Estimated Development Cost and Employment**<br><br>• Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report;<br>• 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;<br>• The development application must also be accompanied by:<br>- the consent of the owner/s of the land (as required in Section 23(1) of the EP&A Regulation); and<br>- 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:<br><br>**Biodiversity** – including:<br><br>• 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), unless a BDAR Waiver is issued for the development. The BDAR must:<br>- be prepared using the approved BDAR template;<br>- document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM;<br>- assess the impacts associated with all ancillary infrastructure, including the transport route road upgrades;<br>- include an assessment for serious and irreversible impacts (SAII) in accordance with Section 9.1 of the BAM;<br>- include a strategy to offset any residual impacts of the development in accordance with the BC Act; and<br>- be finalised by an accredited assessor as BAM-compliant within 14 days of submission.<br>unless BCS and DPHI determine the proposed development is not likely to have any significant impacts on biodiversity values;<br>• 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;<br>• a cumulative impact assessment of biodiversity values in the region from nearby developments; and |

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| | • if an offset is required, details of the measures proposed to address the offset obligations.<br><br>**Heritage** – including:<br><br>• 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), and including results of archaeological test excavations (where required), undertaken in accordance with the relevant standards and requirements;<br>• 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<br>• assess the impact to historic heritage having regard to the *NSW Heritage Manual.*<br><br>**Land** – including:<br><br>• 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;<br>• an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including:<br>- agricultural land, flood prone land, nearby drinking water catchments, Crown lands, mining, quarries, mineral or petroleum rights (if relevant);<br>- a soil survey to determine the soil characteristics and consider the potential for salinity, acid sulfate soils, and erosion to occur; and<br>- a cumulative impact assessment of nearby developments;<br>• an assessment of the compatibility of the development, including any proposed accommodation camps with existing land uses, during construction, operation and after decommissioning, including:<br>- consideration of the zoning provisions applying to the land, including subdivision in consultation with Council (if proposed);<br>- completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industries *Land Use Conflict Risk Assessment Guide*; and<br>- an assessment of impact on agricultural resources and agricultural production on the site and region<br><br>**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 |

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| | 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.<br><br>**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), cumulative noise impacts (considering other developments in the area), including (where appropriate):<br><br>• identification of impacts associated with construction, site emission and traffic generation at noise affected sensitive receivers, including the provision of operational noise contours;<br>• details of noise monitoring survey, background noise levels and amenity noise levels at the most-affected residential receivers;<br>• details of manufacturer specifications for plant and equipment and noise source inventory (demonstrating worst-case modelling of plant and equipment);<br>• an assessment of 'worst case' noise emission scenarios;<br>• consideration of annoying characteristics of noise and prevailing meteorological conditions in the study area; and<br>• 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.<br><br>**Transport** – including:<br><br>• 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;<br>• 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;<br>• a cumulative impact assessment of traffic from nearby developments (including mining operations); and<br>• provide details of measures to mitigate and / or manage potential impacts (developed in consultation with the relevant road authorities)<br>- a schedule of all required road upgrades (including resulting from heavy vehicle and over mass / over dimensional traffic haulage routes),<br>- clear figures of proposed road upgrades (including the site access point), and<br>- road maintenance contributions, and any other traffic control measures.<br><br>**Water** – including: |

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| | • 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;<br>• a site water balance for the development;<br>• details of water requirements and supply arrangements for construction and operation (including consultation with suppliers);<br>• 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);<br>• 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; and<br>• 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);<br>• 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*;*<br>- 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;<br>- detailed design solutions and operational procedures to mitigate flood risk where required.<br><br>**Hazards** – including:<br><br>• *Dangerous Goods* - a preliminary risk screening completed in accordance with the State Environmental Planning Policy (*Resilience and Hazards*);<br>• *Battery Energy Storage System* - 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). The PHA must consider the effect of bushfires on batteries or other components of the BESS; |

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| | • *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*; and<br>• *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*.<br><br>**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.<br><br>**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.<br><br>**Waste** – including<br>• 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<br>• 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.<br><br>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.<br>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:<br><br>• https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance;<br>• https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines; and<br>• 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.<br><br>In particular, you must undertake detailed consultation with affected landowners surrounding the development, relevant government agencies, including the relevant local Council. |

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| | The EIS must:<br><br>• detail how engagement undertaken was consistent with the *Undertaking Engagement Guidelines for State Significant Projects* (DPIE, 2024); and<br>• 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. |