Topic	Secretary's Environmental Assessment Requirements	Where Addressed
SEARs (SSD-76189216) dated 17 October 2024		
General Requirements	The Environmental Impact Statement (EIS) for the development must comply with the 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 circulars	This EIS
	The EIS must include: • A stand-alone executive summary	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 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.	Section 3 and Appendix B
	• 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.	Entire EIS
	• 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).	Section 2
	• A risk assessment of the potential impacts of the development, identifying the key issues for further assessment.	Section 2.7
	An assessment of the likely impacts of the development on the environment, and any other significant issues identified in this risk assessment, focusing on the specific issues identified below, including:	Section 6

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	• 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 *Solar Guideline* and the *Cumulative Impact Assessment Guideline* (DPIE, 2021); • Consideration of Council's comments regarding workforce accommodation and housing, with detailed justification if this does not form part of the EIS; • 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;	Appendix E
	• 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 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.	Section 7.7 Section 7.5 Section 2.9 Section 2.1 and 7.2
	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;	Appendix F

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	• 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 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.*	REAP Declaration

Biodiversity	• 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), 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, minimize 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 minimize 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 obligation.
		Section 6.1 and Appendix G

Heritage	• 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 earth works, construction works and road upgrades), including results of archaeological test	Section 6.2 and Appendix H

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	excavations (where required), undertaken in accordance with the relevant standards and requirements; • 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 *Guidelines for Preparing a Statement of Heritage Impact.*	Section 6.3 and Appendix I

Land	• 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 and riparian zones (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 (if required);
	  ◦ Completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guideline*; and
	  ◦ An assessment of impact on agricultural resources and agricultural production on the site and region.
		Section 6.4 and Appendix L

Visual	• A detailed assessment of the likely visual impacts of all components of the project 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, including consideration of Council's comments on visual impacts; and • Details of measures to mitigate and/or manage potential impacts (including a draft landscaping plan for on-site perimeter planting, with evidence it has been developed in consultation with affected landowners).	Section 6.5 and Appendix K
Noise	• 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):	Section 6.6 and Appendix J

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	◦ 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 the likely daily charging/discharging load profile, manufacturer specifications for plant and equipment and a noise source inventory (including intensity, quantity, location, directivity and frequency information); ◦ An assessment of 'worst case' noise emission scenarios during periods of discharging and charging; ◦ 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	• An assessment of the peak and average traffic generation, including over-dimensional vehicles / heavy vehicles requiring escort and construction worker transportation; • An assessment of the likely transport impacts to the site access route(s) including for over-dimension vehicles / heavy vehicles requiring escort, 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:; ◦ Clear figures of proposed road upgrades (including the site access point); and ◦ Road maintenance contributions, and any other traffic control measures.	Section 6.7 and Appendix N
Water	• 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; • 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);	Section 6.9 and Appendix M

Topic	Secretary's Environmental Assessment Requirements	Where Addressed

	• 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
	• Flood Risk: 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;
	  ○ detailed design solutions and operational procedures to mitigate flood risk where required.	

Hazards	• *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 solar farm would cause bush fire and demonstrate compliance with *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);* • *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. 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 Hazardous Industry Advisory Paper No. 4, Risk Criteria for Land Use Safety Planning. The PHA must consider the effect of bushfires on batteries or other components of the BESS; and • Consideration of Council's comments regarding fire and firefighting capacity.	Section 6.9 and Appendix O Section 6.10 and Appendix P Section 6.9 and Appendix O Section 6.10 and Appendix P

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
Social Impact	• 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; and • Consideration of Council's comments regarding cumulative construction labour force	Section 6.11 and Appendix R
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.	Section 6.12 and Appendix Q
Waste	• 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).	Section 6.13
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.	Appendix B
Legislation, Policies and 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.	This EIS
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, the owners of all exploration licences across the proposed development site, the operator of any pipelines on or adjacent to the site, and all relevant government agencies, including the relevant local Council.	Section 5 and Appendix D
	The EIS must: • Detail how engagement undertaken was consistent with the Undertaking Engagement Guidelines for State Significant Projects (DPIE, 2021); and	

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	• 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.	
Supplementary SEARs (EPBC 2024/10085) issued 14 April 2025		
General Requirements - Relevant Regulations	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.	Section 6.1
General Requirements – Project Description	The title of the action, background to the action and current status.	Section 1
	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).	Section 3, Section 6.1 and Appendix G
	How the action relates to any other actions that have been, or are being taken in the region affected by the action.	Section 1.5
	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.	Section 3, Section 6.1 and Appendix G
General Requirements - Impacts	The EIS must include an assessment of the relevant impacts 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.	Section 6.1 and Appendix G
General Requirements – Avoidance, mitigation and offsetting	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;	Section 6.1 and Appendix G

Topic	Secretary’s Environmental Assessment Requirements	Where Addressed
	v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.	
	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.	Section 6.1 and Appendix G
	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.	Appendix G
	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 the biodiversity key issues below.	Appendix G
Key issues – Biodiversity (threatened species and communities and migratory species)	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.	Section 6.1 and Appendix G
	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;	Appendix G

Topic	Secretary's Environmental Assessment Requirements	Where Addressed
	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.	
	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.	Appendix G
Other approvals and conditions	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.	Section 4 and Appendix G
Environmental Record of person proposing to take the action	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.	Section 4 and Appendix G
Information Sources	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.	This EIS
Protected matters relevant to the Denman BESS	**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 development footprint used for foraging and/or breeding, or habitat critical for to the survival of listed threatened species and ecological communities, 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: • Hunter Valley Delma (Delma vescolineata) – endangered	Section 6.1 and Appendix G

Topic	Secretary’s Environmental Assessment Requirements	Where Addressed
	• Spotted-tailed Quoll, south eastern mainland (Dasyurus maculatus maculatus) – vulnerable Additionally, based on the department’s Environment Reporting Tool and information provided by the department’s SPRAT, the department considers that a number of other matters protected under Part 3 are possibly at risk of being significantly impacted, including but not limited to: • Austral Toadflax (*Thesium australe*) – vulnerable • Central Hunter Valley Eucalypt Forest and Woodland – Critically Endangered • Pink-tailed Worm-lizard (*Aprasia parapulchella*) – vulnerable Note that this may not be a complete list, and it is the responsibility of the proponent to ensure any protected matters under this controlling provision are assessed for the Commonwealth decision maker’s consideration. Further analysis of the impacts of the fires on those species and communities identified above should be undertaken during the assessment. **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	