



APPENDIX C STATUTORY COMPLIANCE TABLE

1. STATUTORY COMPLIANCE TABLE

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
<i>Considerations under the EP&A Act and Regulation</i>			
Section 1.3 - Objects of the Act	(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The Project will generate additional employment within the region, which will assist in sustaining the socio-economic viability. It will also provide reliable, stable energy and facilitate development of alternative sources of power generation, helping reduce the region's carbon footprint.	Section 7.5
	(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Project is consistent with the principles of ESD. The Project has considered stakeholder engagement, environmental assessments, a number of design and layout alternatives, and management measures to address the impacts that are likely to occur from Project.	Section 7.7
	(c) to promote the orderly and economic use and development of land,	This EIS has assessed the potential impacts of the Project in accordance with the requirements of relevant policy and guidelines, and will provide an ongoing regional economic stimulus for the operational life of the Project through employment, sourcing of local materials, plant and equipment, and the establishment of a Benefit Sharing Scheme	Section 7.2
	(d) to promote the delivery and maintenance of affordable housing,	Not applicable.	-

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Project design has been prepared and refined to avoid impacts on the environment, flood affected areas, high value biodiversity, and where impacts could not be avoided, mitigation measures have been provided.	Section 6.1 and Section 6.8
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Project design has been prepared to avoid impacts on both Aboriginal and Historic Heritage. Mitigation measures have been provided to minimise impact to existing and unidentified heritage values.	Section 6.2 and Section 6.3
	(g) to promote good design and amenity of the built environment,	The Project has been designed in accordance with relevant standard, considered visual and landscape impacts and has avoided or minimised these through design refinements or mitigation measures.	Section 6.5, Section 6.6 and Section 6.7
	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Project has considered all relevant aspects in the design of buildings associated with the Project, including the health and safety of proposed occupants of buildings.	Section 6.9 and Section 6.10
	(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	This EIS has been prepared to accompany a DA for SSD, which will be assessed by the DPHI. The Project SEARs has been prepared with input from relevant regulatory agencies. This EIS has engaged with all government levels through the development of the Project to date.	Section 5

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	(j) to provide increased opportunity for community participation in environmental planning and assessment.	This EIS has considered the outcomes of community participation, which has supported the Project design and identification of mitigation measures date.	Section 5
Section 4.15 of the EP&A Act	(i) any environmental planning instrument.	The provisions of relevant environmental planning instruments (EPIs) relating to the Project are addressed below.	Appendix C
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).	There are no draft environmental planning instruments relevant to the Project	-
	(iii) any development control plan.	Development control plans do not apply to SSD under the provisions of Clause 2.10 of SEPP (Planning Systems) 2021.	-
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.	A Benefit Sharing Fund will be developed in consultation with the Council. If a VPA is proposed, it will be governed by Subdivision 2, of Division 7.1 of Part 7 of the EP&A Act.	Section 2.7

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	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	The provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and its relevance to the Project are addressed. Clause 61 of the EP&A Regulation provides additional matters that consent authority must consider. None of these matters are relevant to the Project.	Whole EIS
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Assessment of the key environmental and social impacts relating to the Project have been addressed in this EIS.	Section 6 and Section 7.5
	(c) the suitability of the site for the development	A number of key factors were assessed to determine site suitability, including solar resources, grid connection, planning requirements and likely environmental impacts.	Section 2 and Section 7.1
	(d) any submissions made in accordance with the Act or the regulations.	This EIS has been prepared considering the SEARs requirements and agency input. The EIS will be placed on exhibition by DPHI for a minimum period of to 28 days and submissions will be considered by the consent authority.	-
	(e) the public interest.	The Project is in the public interest and offers a number of strategic and long term benefits including: - Provision of jobs during construction and operation phases and an economic boost to the local economy, through local goods and services. - The Project will assist in achieving international, Australian Government, and State Government policies and strategic goals for transitioning to renewable energy sources and addressing climate change.	Section 7
Considerations under other legislation			
<i>Biodiversity Conservation Act 2016</i> – Section 7.14	The Minister for Planning and Homes is required to take into account the impact of the Project on biodiversity.	A BDAR pursuant to section 7.14 of the BC Act has been undertaken for the Project.	Section 6.1 and Appendix G

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	The Minister may (but is not required to) further consider under the EP&A Act the likely impact of the Project on biodiversity values.		
<i>Mandatory relevant considerations under EPI</i>			
Goulburn Mulwaree Local Environmental Plan 2009	2.3 Zone objectives and Land Use Table		
	(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The Project Area is in the RU2 Rural Landscape zone. The Project is consistent with the objectives of the zone as follows: • The Project does not impact the agricultural potential of the region and following the completion of the Project the land can be returned to agricultural uses; • The rural landscape character of the land is maintained and the proposed BESS does not result in adverse visual impacts on residential receivers or public view points; • Soil stability and erosion can be controlled through the implementation of a sediment and erosion control plan; • Potential impacts to biodiversity have been considered in the Biodiversity Development Assessment Report and, where possible, the Project infrastructure has been located in areas of non-native vegetation; and • Potential impacts to water resources and water quality have been considered. The Project has undertaken technical studies to identify, avoid and mitigate impacts associated with the development of Project. Appropriate measures will be adopted to protect, maintaining and enhance the local natural resource. The Project will create a range of social and economic benefits which will contribute to substantial capital investment in the region. The Applicant also commits to implementing benefit sharing schemes for the life of the Project, which will provide investment to the local area.	Section 7
Goulburn Mulwaree Local Environment Plan (LEP) 2009 Item 5.10	5.10 Heritage Conservation		
	(1) The objectives of this clause are as follows:		
	(a) to conserve the environmental heritage of Goulburn Mulwaree, (b) to conserve the heritage significance of	Aboriginal cultural heritage values have been identified within the Project Area and impacts have been avoided where practicable. The Development Footprint of the BESS avoids the one Potential Archaeological Deposit (PAD) site extent present within the Project Area. If the site design changes and the PAD will be impacted, a Cultural Heritage Management Plan (CHMP) would be required to manage impacts to the site.	Appendix H and Appendix I

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	heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.		
Goulburn Mulwaree Local Environment Plan (LEP) 2009 Item 5.21	5.21 Flood Planning		
	(1) The objectives of this clause are as follows:		
	(a) to minimise the flood risk to life and property associated with the use of land,	Permanent infrastructure, except for roads, are to be raised above the flood planning level. Modelling does not indicate any flood impacts to surrounding properties.	Appendix N
	(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,	Climate change has been addressed in the Water Resource Impact Assessment Report (WRIA), as per latest Australian Rainfall and Runoff (ARR) guidelines. Additionally, the flood planning levels include a 0.5 metre (m) freeboard above the 1% Annual Exceedance Probability (AEP) flood levels, allowing for potential future flood increases.	
	(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,	The flooding impacts observed from the proposed infrastructure are considered negligible, as they do not extend beyond the Assessment Area. The Assessment Area refers to the Project Area, excluding the external road upgrades (i.e., only the BESS works located on Lot 2341 DP 622834 and Lot 12 DP 727493). Any flood impacts will be mitigated during the detailed design phase. As impacts are not observed beyond the Assessment Area, no cumulative flooding related impacts are predicted.	

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	(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	
	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development		
	(a) is compatible with the flood function and behaviour on the land, and	Permanent infrastructure, except for roads, are to be raised above the flood planning level and therefore outside of the flood planning area.	Appendix N
	(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	Flood results do not show detrimental increases in flood behaviour.	
	(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	
	(d) incorporates appropriate measures to manage risk to life in the event of a flood, and	Permanent infrastructure, except for roads, are to be raised above the flood planning level and are therefore outside of the flood planning area.	
	(e) will not adversely affect the environment	The flooding results do not indicate adverse flooding impacts beyond the Assessment Area. Detailed design also expected to consider these aspects.	Section 6.1, Section 6.8,

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	or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses	The Biodiversity Development Assessment Report (BDAR) has considered impacts to riparian vegetation. Impacts to riparian habitats, waterways and key fish habitat have been avoided with the project design minimising disturbance and impacts to aquatic habitats by utilising existing crossings and tracks. No impacts to these features are likely to occur as a result of the proposed road resurfacing activities along Canyonleigh Road. Additionally, impacts to habitats of several threatened species have been avoided and minimised where possible. A precautionary approach was taken to assess and evaluate impacts and habitats.	Appendix G and Appendix N
(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:			
	(a) the impact of the development on projected changes to flood behaviour as a result of climate change,	Evacuation details have been added to the updated WRIA. Climate change modelling as per latest ARR guideline recommendations has been included in the existing WRIA.	Appendix N
	(b) the intended design and scale of buildings resulting from the development,	Permanent infrastructure, except for roads, are to be raised above the flood planning level and are therefore outside of the flood planning area.	
	(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,	The impacts observed from the proposed infrastructure are considered negligible, as they do not extend beyond the Assessment Area. Any potential impacts will be mitigated during the detailed design phase. As impacts are not observed beyond the Assessment Area, no cumulative impacts are predicted.	
	(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	impacted by flooding or coastal erosion.		
	(e) to avoid adverse effects of hazardous development on the environment during flood events.	The hazardous components of the Project (i.e., BESS and Substation) will be raised above the flood planning level.	
Goulburn Mulwaree LEP 2009 Item 5.22	5.22 Special flood considerations		
	(1) The objectives of this clause are as follows:		
	(a) to enable the safe occupation and evacuation of people subject to flooding,	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	Appendix N
	(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,	Permanent infrastructure, except for roads, are to be raised above the flood planning level and are therefore outside of the flood planning area.	
	(c) to avoid adverse or cumulative impacts on flood behaviour,	The impacts observed from the proposed infrastructure are considered negligible, as they do not extend beyond the Assessment Area. Any potential impacts will be mitigated during the detailed design phase. As impacts are not observed beyond the Assessment Area, no cumulative impacts are predicted.	
	(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	
	(e) to avoid adverse effects of hazardous	The hazardous components of the Project (i.e., BESS and Substation) are to be raised above the flood planning level.	

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	development on the environment during flood events.		
	(2) This clause applies to:		
	(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	Appendix N
	(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may— (i) cause a particular risk to life, and (ii) require the evacuation of people or other safety considerations.		
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development		
	(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	Appendix N
	(b) incorporates appropriate measures	Flood Emergency Response Plan to be developed during post approval/ pre-construction, which will provide measures for safe occupation and efficient evacuation.	

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	to manage risk to life in the event of a flood, and		
	(c) will adversely affect the environment in the event of a flood.	The flooding impacts observed from the proposed infrastructure are considered negligible, as they do not extend beyond the Assessment Area.	
Goulburn Mulwaree LEP 2009 Item 7.1A	7.1A Earthworks		
	(1) The objectives of this clause are as follows:		
	(a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,	A Cultural Heritage Impact Assessment Report (ACHAR) and Historic Heritage Assessment has been prepared for the Project. Aboriginal cultural heritage values for the Project Area were identified through a combination of desktop assessment and consultation undertaken during the field surveys and preparation of the report. Archaeologists were accompanied by Registered Aboriginal Parties (RAPs) on each day of the survey, including representatives from Pejar Local Aboriginal Land Council (LALC). There was one previously registered Aboriginal site located within the Project Area, a PAD site whose extent overlaps with the Project Area boundary, however this was found outside of the BESS Development Footprint. The potential for impact to the PAD site based on the current Development Footprint is considered low, given its distance. If the site design changes and the PAD site is within proximity to the Development Footprint, a CHMP will be developed to record and describe the processes and procedures required to be implemented prior to and during the construction and operational phases of the Project. This will be prepared in consultation with the RAPs. There are no historic built heritage sites or archaeological constraints within or in the vicinity of the Project Area. Notwithstanding, an Unexpected Finds Protocol (UFP) will be developed and applied to any historic heritage finds.	Appendix H and Appendix I
	(3) Before granting development consent for earthworks, the consent authority must consider the following matters:		
	(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and	As summarised in Section 6.1.1 of the WRIA (Appendix N), construction of the BESS areas and ancillary infrastructure are proposed on top of a mapped watercourse, and therefore some changes to drainage patterns are expected. Stormwater drainage systems will be used to manage drainage around the infrastructure and within the internal road extents, and as such, erosion	Appendix N

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	soil stability in the locality,	controls will be implemented to minimise scouring and erosion around the infrastructure. These predicted changes to on-site flow paths are considered to be negligible in regard to flow regimes and associated downstream catchment areas.	
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	If the decision is made to end the use of the Project Area for battery energy purposes, the ground condition will be returned as far practicable to the condition that existed prior to the Project construction. This will be completed in accordance with the Decommissioning and Rehabilitation Strategy, which will be prepared within five years of the completion of Project operations.	Appendix J
	(c) the quality of the fill or of the soil to be excavated, or both,	Materials including gravel, aggregate and sand will be required to facilitate the construction of Project infrastructure. Use of materials sourced on-site will be confirmed through geotechnical testing prior to works. Should volumes of fill required exceed those available on-site, materials will be transported to the Project Area using truck and dog and / or Oversize Overmass (OSOM) vehicles. This material will be stockpiled within the construction compound / laydown areas. All material brought onto site will be inspected and appropriately classified as Excavated Natural Material or Virgin Excavated Natural Material prior to delivery, in accordance with NSW Environmental Protection Authority (EPA) guidelines. Construction material equipment will be sourced locally, (including but not limited to Goulburn Mulwaree Local Government Area (LGA), subject to availability and cost considerations. Existing operating quarries in the Project locality (less than 100 kilometres (km) from site entry) to source any fill material.	Section 3.5.4
	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	As summarised in Section 6.1.1 and in Appendix B of the WRIA (Appendix N), the flood modelling undertaken for the Project predicts no impacts to flood behaviour outside the assessment area and therefore no flooding impacts are predicted for adjoining properties. A Bushfire Emergency Management and Operations Plan will be prepared in conjunction with relevant stakeholders, including NSW Rural Fire Service (RFS), NSW Fire and Rescue (FR), landowners and adjoining property owners. The likely impact on amenity from noise nuisance includes: The construction noise assessment concluded that the Department of Environment & Climate Change NSW Interim Construction Noise Guideline (ICNG) (DE&CC, 2009) 'noise affected' management level is exceeded at two Noise Sensitive Receivers (NSRs) (R1 and R44) for the site preparation and establishment construction scenario (CON 1), three	Section 6.5, Section 6.6, Section 6.8 and Section 6.10

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
		NSRs (R1, R44 and R111) for the delivery of infrastructure construction scenario (CON 2), and three NSRs (R1, R44 and R111) for the general construction of infrastructure construction scenario (CON 3). - The noise assessment concluded that traffic along Canyonleigh Road is to be limited to four heavy vehicles in the early morning from 6am to 7am. Additional heavy vehicle movements are recommended to arrive on site after 7am. During the operational stage of the Project, traffic noise impacts at NSRs are expected to be negligible. - For the roadworks upgrade along Botany Road / Bunnerong Road intersection road reserve at Matraville, NSW (CON 5), the ICNG 'noise affected' management level is also expected to be exceeded at the closest Sensitive Receiver located at 50 m of the roadwork upgrades. The works are expected to occur outside of the recommended standard hours of construction and are expected to be completed within one night. - The operational noise assessment concluded that all the identified NSRs within 2 km of the Project boundary (excluding roadworks) are predicted to achieve compliance with the NSW Environment Protection Authority Noise Policy for Industry (NPI) (NSW EPA, 2017) Project Noise Trigger Levels (PNTLs). The visual impact assessment identified the following: - The assessment identified six public receptors and 24 non-associated dwellings within 2.5 km of the BESS Development Footprint. The majority of Canyonleigh Road has a potential theoretical view toward the Project, while areas to the south, southwest and southeast have no visibility of the Project due to intervening topography. - There were twelve non-associated dwellings determined to have no visibility of the Project, with the remaining twelve having potential line of sight to the Project. Viewshed mapping determined the twelve non-associated dwellings with potential visibility of the Project all have low visual impact ratings due to dense native vegetation and the undulating topography within the Project Area. - Existing vegetation generally present around the Project Area will be retained and protected to maintain the existing level of screening to the Project.	
	(e) the source of any fill material or the destination of any excavated material,	Construction material equipment will be sourced locally, including but not limited to Goulburn Mulwaree Local Government Area (LGA), subject to availability and cost considerations. Existing operating quarries in the Project locality (less than 100 kilometres (km) from site entry) will be used to source any fill material.	Section 3.5.4 and Section 6.13
	(f) the likelihood of disturbing Aboriginal objects or other relics,	Aboriginal cultural heritage values have been identified within the Project Area and impacts have been avoided where practicable. The Development Footprint of the BESS avoids the one PAD site	Appendix H

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
		extent present within the Project Area. If the site design changes and the PAD will be impacted, a CHMP would be required to manage impacts to the site.	
	(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area	The project is located within the Sydney Drinking Water catchment. It is considered that with the implementation of mitigation measures such as implementation of a Construction Erosion and Sediment Control Plan (CESCP), storage and handling of hydrocarbons / chemicals in accordance with relevant standards and guidelines, and wastewater management systems, impacts on surface water quality during these phases will be negligible. Likelihood of disturbing drinking water catchment New developments within the Sydney drinking water catchment need to achieve a Neutral or Beneficial Effect (NorBE) on water quality. As summarised in Section 5.3 of the WRIA (Appendix N), the Project has shown that, with appropriate stormwater treatment measures (i.e, swales, GPTs, and a bioretention area), NorBE on water quality can be achieved. Proximity to watercourses Figure 2.3 of the WRIA (Appendix N), provides a local drainage overview for the Project which shows the watercourses in close proximity to the project works. Fifteen mapped hydroline segments (each segment representing a reach to the next confluence) intersect the assessment area, all of which are tributaries reporting to the Wollondilly River. The Wollondilly River catchment also lies within the Sydney Drinking Water catchment. Potential for adverse impacts to these watercourses As summarised in Section 6.1.3 of the WRIA (Appendix N), the flooding impacts observed from the proposed infrastructure are considered negligible, as they do not extend beyond the assessment area and any impacts within the assessment area will be mitigated in detailed design through stormwater drainage design and ESC measures.	Appendix N
Goulburn Mulwaree LEP 2009 Item 7.2	7.2 Terrestrial Biodiversity		
	(1) The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including - (a) protecting biological diversity of native flora and fauna, and	During the preparation of the original concept project design, the Project has been subject to an ongoing iterative design and siting process with the objective of developing an efficient Project that avoids and minimises environmental impacts as much as possible and retains lands considered to contain greater biodiversity value. Amendments to the Project elements have also attempted to maximise the use of existing public and internal access tracks and minimises vegetation clearance of woody vegetation and disruption to threatened species and threatened species' habitat. The project layout has considered the identified environmental constraints within the broader property boundary (outside of the subject land), notably the occurrence of high biodiversity values associated with the Wollondilly River.	Appendix G

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	(b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the recovery of threatened species, communities or populations and their habitats.	Where the potential for impacts could not be avoided, design principles were sought to minimise environmental impacts and/or mitigation measures were proposed to manage the extent and severity of any residual impacts.	
	(2) This clause applies to development on land that is identified as "Biodiversity" on the Terrestrial Biodiversity Map.	Part of the site has been identified as 'biodiversity' on the Goulburn Mulwaree LEP 2009 Terrestrial Biodiversity Map Types BIO 003. Link is provided below: https://eplanningdlprod.blob.core.windows.net/pdfmaps/3310_COM_BIO_003_160_20120329.pdf	Appendix C and Appendix G
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters - (a) identification of any potential adverse impact of the proposed development on any of the following - (i) a native vegetation community, (ii) the habitat of any threatened species, population or ecological community,	Impacts to biodiversity values have been assessed in accordance with the Biodiversity Assessment Method (BAM) (NSW DPIE, 2020). Field surveys were undertaken over seven survey events. Four Plant Community Types (PCTs) were identified as occurring within the Subject Land, including one TEC, and will require ecosystem credits to support the delivery of the Project. The direct impacts of the Project will require the removal and modification of 11.40 ha of native vegetation, consisting of the four PCTs and including 0.56 ha of TEC. In accordance with the BAM, ecosystem credits and species credits are required to offset direct impacts of the Project. The occurrences of White Box-Yellow Blakely's Red Gum Grassy Woodland and Derived Native Grassland, a Threatened Ecological Community (TEC), and the Superb Midge Orchid (<i>Genoplesium superbum</i>) are identified within the Road Resurfacing Development Footprint. These entities are identified as entities at risk of Serious and Irreversible Impact (SAIL). Impacts to both SAIL entities have been avoided and minimised. In addition to offsets for direct impacts, the Project will need to appropriately offset indirect and prescribed impacts associated with impacts on threatened species habitats, connectivity, water quality, waterbodies and hydrological processes and vehicle strikes. Impacts to prescribed matters are considered minor for each impact entity.	Appendix G

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	(iii) a regionally significant species of plant, animal or habitat, (iv) a habitat corridor, (v) a wetland, (vi) the biodiversity values within a reserve, including a road reserve or a stock route, and (b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.	Impacts to woody vegetation and TECs have been avoided or minimised through the design process. By refining the Development Footprint and relocating infrastructure, the Project has minimised direct disturbance to known TECs and has minimised fragmentation of significant vegetation corridors. Buffers to riparian zones and sensitive habitat areas have contributed to maintaining ecological connectivity and reducing edge effects, supporting long-term habitat viability for native flora and fauna species. Residual impacts on habitat will be offset by retiring biodiversity credits through the NSW Biodiversity Offset Scheme (BOS).	
	Biodiversity, noting the site is partly mapped as 'biodiversity' under the LEP (s.7.2). Clause 7.2 Terrestrial biodiversity refers to land that is identified as 'Biodiversity' on the Goulburn Mulwaree LEP 2009 Terrestrial Biodiversity Map. Part of the site has been identified as 'biodiversity' on the Terrestrial Biodiversity Map. Clause 7.2(3) states that 'development consent must not be granted to development on land to which this clause applies unless the consent authority has	A BDAR has been prepared to assess any potential impacts to biodiversity, including proposed measures to ameliorate any potential adverse impacts. Measures to mitigate these impacts would be implemented through the management plans. The plans have the purpose of minimising impacts and addressing any indirect impacts from the Project.	Section 6.1 and Appendix G.

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	considered a report that addresses the following matters — (a) identification of any potential adverse impact of the proposed development on any of the following - i. a native vegetation community, ii. the habitat of any threatened species, population or ecological community, iii. a regionally significant species of plant, animal or habitat, iv. a habitat corridor, v. a wetland, vi. the biodiversity values within a reserve, including a road reserve or a stock route, and (b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.		
	(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the	The project has been designed to minimise direct impacts. knowledge of biodiversity values has informed the location of the proposal by avoiding, where possible, remnant woodland vegetation and higher condition state TECs.	Appendix G

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	objectives of this clause and-- (a) the development is designed, sited and managed to avoid the potential adverse environmental impact, or (b) if a potential adverse impact cannot be avoided, the development-- (i) is designed and sited so as to have minimum adverse impact, and (ii) incorporates effective measures so as to have minimal adverse impact, and (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.		
Permissibility	Updates to the permissibility pathway identified for the project to ensure the correct pathway is identified.	The permissibility of BESS developments in NSW is determined by the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP). Section 2.36 of the T&I SEPP states that “electricity generating works” may be carried out with development consent on land within a prescribed rural, industrial or special use zone. The Project Area is contained within the Goulburn Mulwarree LGA and is subject to the provisions of the Goulburn Mulwaree LEP 2009. Under the Goulburn Mulwaree LEP 2009, the Project is zoned entirely as RU2 Rural Landscape. Electricity generating works are not identified as prohibited within the RU2 zone. As the development is not specified as prohibited, it is considered to be permissible with development consent under the Goulburn Mulwaree LEP 2009.	Section 4.1 and 4.2

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
		The Project meets the definition of “electricity generating works” which are defined in Clause 2.35 of T&I SEPP as follows: “electricity generating works means a building or place used for the purpose of— (a) making or generating electricity, or (b) electricity storage.”	
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 3 of Resilience and Hazards SEPP assesses the potential hazards associated with the Project by providing definitions and guidelines for hazardous industry, offensive industry, hazardous storage establishments, and offensive storage establishments.	A Preliminary Hazard Analysis (PHA) has been prepared for the Project. In accordance with Clause 3.7 of the SEPP, this EIS has considered current circulars or guidelines published by the Department relating to hazardous or offensive development including: • Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning (HIPAP No. 4) (DPIE, 2011b); • Hazardous Industry Planning Advisory Paper No 6 – Guidelines for Hazard Analysis (HIPAP No. 6) (DPIE, 2011a); and • Multi-level Risk Assessment (DoP, 2011c).	Section 6.9 and Appendix O
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 of Resilience and Hazards SEPP promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated and if it is contaminated, whether the land is suitable for	The Project Area has been used for livestock grazing and cropping. There is no obvious evidence of contamination being present on the site and the Project Area.	Appendix C

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	the purpose of the development either in its contaminated state or following remediation.		
State Environmental Planning Policy (Planning Systems) 2021	Objectives of the RU2 – Rural Landscape relevant to the Project (Land Use Table): <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;</i> <i>To protect, manage and restore areas with high conservation, scientific, cultural or aesthetic values.</i> <i>To protect and enhance the water quality of receiving watercourses and groundwater systems and reduce their degradation.</i> <i>To preserve environmentally sensitive land, including catchment areas, and prevent development likely to result in</i>	The Project has undertaken technical studies to identify, avoid and mitigate impacts associated with the development of Project. Appropriate measures will be adopted to protect, maintain and enhance the local natural resource.	Section 2.4 and Section 6

Statutory Reference	Mandatory Consideration	Project Response	Where Addressed
	<i>environmental harm.</i>		
<i>Considerations under other legislation</i>			
Biodiversity Conservation Act 2016 – Section 7.14	The Minister for Planning and Homes is required to take into account the impact of the Project on biodiversity. The Minister may (but is not required to) further consider under the EP&A Act the likely impact of the Project on biodiversity values.	A BDAR pursuant to section 7.14 of the BC Act has been undertaken for the Project.	Section 6.1 and Appendix G
<i>Considerations under relevant EPIs</i>			
State Environmental Planning Policy (Transport and Infrastructure)	Division 4 relates to the permissibility of electricity generating works and Battery Energy Storage Systems.	The Project is defined as “electricity generating works” under clause 2.35 of the SEPP. Electricity generating works are permissible with development consent in prescribed non-residential zones including the RU2 Rural Landscape Zone.	Section 4.2
<i>Development Control Plans</i>			
Goulburn Mulwaree Development Control Plan 2009	-	The Project is classified as SSD. As such, under section 2.10 of the Planning Systems SEPP, Development Control Plan does not apply and is not a mandatory consideration for the Project.	-