Submission: Objection to SSD-6698-Mod-2 – Coppabella Wind Farm

1. Overview and basis of objection

Coppabella Wind Farm Pty Ltd seeks approval to introduce decentralised battery energy storage systems (BESS) at selected turbine locations – up to 53 battery compounds, each with up to six 40-foot lithium-ion battery containers, giving a total of up to 318 battery containers distributed across an agricultural landscape that is partly mapped as bushfire-prone land.[1]

Each BESS unit has a storage capacity of up to 19.86 MWh, meaning the modification introduces in the order of 1,053 MWh (≈ 1 GWh) of hazardous energy storage across the site.[2]

This is not a refinement. This is a major industrial escalation, introducing new hazardous materials, new fire and chemical risks, new operational burdens, a new land-use character, and new community exposure.

The developer asserts the project remains “substantially the same” under s4.55(2) of the EP&A Act.[3]

2. The modification is not "substantially the same development"

2.1 Introduction of new industrial plant not contemplated in the original approval

The original consent contemplated only a wind farm – turbines, access tracks, reticulation and substation. It did not contemplate 53 BESS compounds, 318 lithium-ion battery containers, new above-ground industrial structures, or ~1,053 MWh of hazardous energy storage.[4]

This shifts Coppabella from a wind farm to a distributed hazardous-materials facility.

2.2 New and unassessed environmental risks

Lithium-ion storage was not assessed in the original EIS (2016) or Mod-1 (2018). The Mod-2 documentation itself now requires a Preliminary Hazard Analysis, radiant-heat analysis, and assessment under SEPP (Resilience & Hazards).[5]

2.3 Failure of the s4.55(2) legal test

Case law including *Moto Projects (No 2) Pty Ltd v North Sydney Council* establishes that modifications cannot be used where the resulting development is qualitatively different in nature or character.[6]

Here, the nature, character, hazards, risks and land-use profile are substantially altered.

2.4 New regulatory frameworks triggered

Large-scale lithium-ion storage engages WHS Regulation 2017 Chapter 7 (Hazardous chemicals), emergency-planning duties, dangerous-goods classification thresholds, and SafeWork NSW expectations regarding notification.[7]

These frameworks did not apply to the approved 2016 wind-only project.

2.5 The precautionary principle and ESD

The EP&A Act includes ecologically sustainable development (ESD) as an object (s1.3(b)), including precautionary considerations. The POEA Act 1991 defines the precautionary principle.[8]

Lithium-ion battery fires, toxic gas release, bushfire escalation and uncertain emergency feasibility present high-consequence, uncertain risks – a textbook basis for applying precaution and requiring a full SSD/EIS rather than a modification.

3. Breach of NSW Wind Energy Framework and Social Impact Guidelines

3.1 Failure of transparent engagement

The Modification Report claims alignment with the NSW Wind Energy Framework, Wind Energy Guideline and Engagement/SIA Guidelines. These require early disclosure, meaningful engagement on risks, and transparency.[9]

In practice, BESS is framed as a technical “addition”, not the introduction of 318 hazardous battery containers. No accessible explanation has been provided about thermal runaway, toxic gas or multi-site hazard implications.

3.2 Social impact assessment deficiencies

The SIA section focuses on community funds and small construction increases. NSW SIA Guidelines require assessment of perceived risk, trust, vulnerable groups, mental health, amenity, and cumulative social effects.[10]

None are meaningfully addressed in the context of distributed BESS.

4. Bushfire, radiant-heat, toxic-gas and emergency-response risks

4.1 Unrealistic hazard modelling

The PHA and radiant-heat modelling only assess single-container failure and assume no cascading events, relying on separation distances and future UL9540A data.[11] This underestimates real-world risk.

4.2 No cumulative hazard modelling

With 53 BESS compounds, cumulative modelling should address multiple ignition points, toxic plumes, radiant zones and simultaneous emergency demands. Mod-2 treats each BESS in isolation.[12]

4.3 Lack of NSW RFS operational feasibility

There is no clear evidence NSW RFS has assessed or endorsed access, standoff distances, aerial suppression feasibility or response under severe conditions. Lithium fires often require controlled burn-out and pose toxic-gas hazards.[13]

4.4 Toxic-gas and smoke-plume risks unassessed

Lithium-ion fires can release hydrogen fluoride, carbon monoxide, heavy-metal aerosols and dense smoke. No plume modelling or exposure assessment is provided for residents, road users or livestock.

5. Traffic, construction and operational intensification

Traffic modelling relies on idealised LOS assumptions at a single intersection and does not account for rural-road deterioration, flooding, agricultural machinery conflicts or dangerous-goods-classed BESS transport.[14]

6. Biodiversity and noise impacts

6.1 Biodiversity

Mod-2 relies on “no additional clearing” to avoid reassessment. However, new disturbance (compaction, hardstands, drainage changes) and new hazard pathways justify reconsidering biodiversity impacts under the Biodiversity Conservation Act 2016.[15]

6.2 Noise

Battery cooling fans and transformers introduce new tonal and cumulative noise sources not clearly modelled in Appendix H, particularly for night-time sensitive receptors.

7. Cumulative regional impacts ignored

The region already hosts Bango and Biala Wind Farms, transmission upgrades and substations. Adding 53 BESS compounds is a substantial cumulative impact requiring full EIS-level analysis, not a modification.[16]

8. Governance and planning-integrity concerns

Processing a hazardous-materials rollout under s4.55 compresses consultation, removes merit appeal rights, and reduces transparency.

Using a modification pathway for a fundamentally different risk profile undermines planning integrity and sets a precedent enabling future large-scale add-ons without full EIS scrutiny.[17]

9. Determination requested

I respectfully request refusal of SSD-6698-Mod-2 due to:

- Not substantially the same development
- Introduction of new unassessed hazards
- Failure to meet good-practice engagement and SIA expectations
- Understated fire, chemical and emergency-response risks
- Unsupported “minimal impact” claims
- Inappropriate use of modification pathway

Any future BESS should proceed as a new SSD, with full EIS, independent hazard review, RFS input, cumulative modelling and proper community consultation.

10. Conclusion

This modification transforms Coppabella from a wind farm into a hazardous-industrial facility across rural properties. Approving it via modification would erode planning integrity and community trust.

Refusal is the only responsible outcome.

Footnotes

[1] Modification Report – BESS siting details.

[2] Modification Report – BESS capacity (19.86 MWh × 53 sites).

[3] Modification Application – Statement regarding s4.55(2).

[4] Modification Report – Up to 53 compounds and 318 containers.

[5] Modification Report – Hazard analysis and SEPP hazard requirements.

[6] *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC.

[7] WHS Regulation 2017 – Hazardous Chemicals; Dangerous Goods Act 2008.

[8] EP&A Act s1.3(b) ESD object; Protection of the Environment Administration Act 1991 s6(2).

[9] NSW Wind Energy Framework; Wind Energy Guideline; SIA/Engagement Guidelines.

[10] NSW Social Impact Assessment Guideline for State Significant Projects (2021).

[11] PHA and Radiant Heat Assessment – single-container assumption.

[12] Modification Report – BESS risk modelling approach.

[13] DFES and international lithium-ion fire guidance.

[14] Modification Report – Traffic Assessment Appendix I.

[15] Biodiversity Conservation Act 2016 requirements.

[16] Regional cumulative impact context – existing wind farms and transmission.

[17] SSD Modification process implications; Exhibition Notice.