



Objection to Gara Battery Energy Storage System

SSD 71680710

10 September 2025

*Community Alliance for responsible energy development for the
New England*

ReD4NE(ReD4) represent the Community (Gara Community) most effected by the ACenergy (ACE) proposal to build and operate and supposedly decommission a 400MW/1760MWh at Woodlands Road East of Armidale NSW.

It is important to highlight for the Consent Authority ,the context that ACE pursue this SSD development application – the community can't dismiss that essentially, they characterised as essentially project' flippers' with zero experience in developing a BESS or other RE projects for that matter. The business model is to develop to consent and flip it for profit – that does raise alarms bells for the Community and should require the Consent Authority to scrutinise very closely the submitted EIS.

On ReD4 review it lacks requisite detail and offers some glaring assumptions on the adequacy of the consultation particularly to near neighbours. It identities obvious errors on biodiversity particularly – sensitivity to obvious sensitivity to koala habitats. Most concerningly, it has avoided any discussion as to the potential runoff into tributaries which form part of the Macleay River Catchment. This issue is significant and is overlooked by the EIS and it puts at risk not only the Wild Rivers National Park and it's unique biodiversity but also exposes the UNESCO Heritage Gondwana Rainforest. Ultimately it exposes to risk the downstream communities and businesses in the Macleay River system. The Community demands that this EIS be rejected and this significant ecological omission be rectified including full consultation with the NPWS and the Save our MacLeay River group (SOMR), Kempsey Council and Macleay River Business communities.

ReD4NE summaries it's **four major objections** as follows.

- The proposed project is inconsistent with the Objectives of the Environmental Planning and Assessment Act 1979. The Consent Authority cannot ignore this imperative.
- The tabled Environmental Impact Statement (EIS) dated doesn't meet sufficient requisite detail the Planning Secretary's Environmental Assessment Requirements (SEAR) as issued on 19 July 2024.
- Therefore the tabled EIS is deficient in requisite detail to allow the Community to make adequate assessment of the potential impacts. As such the tabled EIS is in breach of the required declaration of the Registered Environmental Practitioners Guidelines .
- The Proponent ACE has not provided to the Gara Community the requisite genuine and meaningful community consultation -nor has it attempted to agree with those on impacted on adequate neighbour and community benefits .

Developer's Statutory Responsibilities

It assumed from the EIS that the project intends to connect to the existing 330kv as such it is not intended to have regard to the NSW Electricity Infrastructure Investment Act 2020 it is therefore

not a REZ Project. However notwithstanding this access the Community assumes the Consent Authority (the NSW Government) doesn't wish to apply double standards. As such we say without social licence this project should be prohibited from securing access to TransGrid 330kv transmission infrastructure as proposed. This Objection confirms it is well short of a satisfactory social licence.

The objects of this Act to which the Consent Authority must assess this Development Application are quite explicit as follows : We highlight as Comments our concerns on the Application and confirm the EIS fall well short of compliance.

(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,

Comment: *clearly the Developer has through the inadequacy of its engagement of the near neighbours and broader community has shown **no demonstrable promotion of social and economic welfare of the community** by retreating on earlier commitments on four unacceptable elements of the proposal.*

- i. adequate mitigation of **the visual impacts** of the project – the proposed vegetation has been wound back to induce an unsatisfactory exposure to Receivers R1 and R3 Representations by ACE on this issue have been duplicitous and this will be more directly challenged in Community Group objections. This requisites from the Consent Authority further investigation and at a minimum third-party independent review and recommendations as to what presents as adequate mitigation. Similarly the transmission tower imposition -significant poles and wires does seem to raise the slightest concern by ACE*
- ii. in terms of economic welfare the immediate community are facing a significant and potentially hazardous infrastructure imposition in their immediate environment. There has **been little to no compensation discussion** to offset the near neighbours detriment. This requisites from the Consent Authority an independent assessment as to the potential loss in property values particularly for Receivers R1,R2, R3,R5,R6 and R7 ; and*
- iii. the paucity of engagement highlighted hereunder confirms that the Developers treatment of **'noise' impacts** on immediate Receivers was wall-papered over if not ignored by the Developer. They concede during construction obvious breaches of compliance . The Community believes it obligatory on the Consent Authority to request a review by an independent acoustical expert as to noise levels and compliance abatement measures; and*
- iv. Domestic water access to the town supply clearly highlights the disinterest by the Developer in protecting the social wellbeing if the Community. As reported by the Community the Developer was so dismissive of the Community's concern on protecting this easement - it doesn't even rate a mention on their Consultation Reporting Schedule.*

The bottom line in this development application is obvious disregard for the social and economic welfare of the community – it's the blatant disregard and erosion of the Communities' health and wellbeing – particularly their mental health. These Communities are living with disrespect from Developers such as ACE who conceal and manipulate facts and figures to align with their profit motive. They are forced to absorb countless years of stress and uncertainty. It clearly incumbent on the Consent Authority to look beyond a carefully crafted EIS and to understand the human capital

cost and impact on families and communities. The social and economic welfare of the Community doesn't raise even a second thought with developers like ACE.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

Comment: *We reiterate our concerns of potential and dangerous runoff implications for the Macleay Catchment. This cannot be ignored by the Consent Authority . Secondly the EIS present flippant and inaccurate assumptions about cumulative impacts for the immediate study area east of Armidale. Obvious roads traffic and safety implications arise -for the Waterfall Way/Grafton Road which significantly reduce access and promote safety concerns for the immediate and broader community. Appropriate regard should be had for independent cumulative impact of other projects and their implications on waste , water and other construction resources gravel etc. Thirdly the EIS admits that apart from periods of construction there is not economic impact as the proposed BESS doesn't intend to employ any FTE staff. Therefore there is no economic value add – construction workforce is transitory. Consideration should be given to a legacy benefit over and above the VPA negotiated with Armidale Regional Council (ARC).*

(c) to promote the orderly and economic use and development of land,

Comment; *The Land Use Conflict Risk Assessment (LUCRA) requires close assessment by the Consent Authority -there is an obvious acknowledgement that some BSAL land will be compromised. A more robust conclusion by way of an accurate assessment needs to be offered by an independent agronomist . Secondly this infrastructure is imposing on the landscape , and the Developers appears to be derelict in their acknowledgement of the need for greater mitigation for not just the immediate receivers but also from passing traffic on Grafton Road. The Developer again allows the EIS to drift in uneducated unsubstantiated self-assessment which the Community rejects as nonsense unacceptable conclusions “The project is not **antipathetic** to the aims of the LEP and is particularly aligned with the aims 2(a), (c), (d), and (e) on the basis that: As outlined in Appendix L, the use of the site for electricity generating works is not anticipated to detrimentally impact the opportunity for the land to return to agricultural uses if the project is decommissioned. The project will preserve the agricultural values of the land to enable future opportunities for all forms of primary production.” The Community needs clearer commitments on a decommissioning pathway– this needs to be articulated in any consent conditions as is the requirement to quarantine to separate development application any intention to develop the existing site for hybridisation with solar.*

(d) to promote the delivery and maintenance of affordable housing,

Comment; *the EIS is deficient on this major and escalating issue for the ARC.*

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

Comment; *Our concerns for the ecological communities and habitats of the Oxley Wild Rivers National Park are already well made. Of more immediate concerns is the apparent disregard for the acknowledged koala habitats prominent on the immediate project site.*

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

Comment; *The area is definitely culturally significant for at least two Indigenous Communities – there is no evidence in the EIS of qualified survey work to assess potential damage .*

- (g) to promote good design and amenity of the built environment.

Comment – *noted insufficient detail on design has been offered – it is difficult to understand how the Consent Authority can approve sign off on this objective without more detail.*

- (h) **to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,**

Comment; *This is a large BESS -and present with a significant hazard risk in terms of fire. The Consent Authority has an obvious and considerable obligation to review the proposal and to outline for the community appropriate compliance to meet National and International safety standards.*

- (i) **to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.**

Comment: *Noted*

- (j) **to provide increased opportunity for community participation in environmental planning and assessment.**

Comment; *The Community rejects the conclusion offered by ACE that it “Helped the local community understand the project benefits, development approval process and how they could participate in the process. That it ‘undertook responsive engagement, by collecting and presenting information and outlining an engagement approach that demonstrated appropriate effort under relevant guidelines’. That it ‘responded to community feedback by making relevant changes to the project and including appropriate mitigation measures in the EIS’.*

This is elaborate spin and box ticking as the truth is ACE were selective on information and they often slid away on ground they had already conceded. Their elusiveness eroded trust – ACE will rank very low on ReD4 Developer Rating Ladder.

For the EIS to just respond to these objective requirements with a bland “ the proposed development is not considered to be **antipathetic** to the above objects” is in itself a flippant disregard for the planning process and the community it seeks to protect.

In summary we reject that this Project Proposal is anywhere ready for Consent Authority consideration. Any Response to Submission action by ACE should concede the need for more **adequate consultation** certainly with the near non-associated neighbours. Secondly ACE needs to accept that the impacts, particularly water ,noise and visual, on these near non-associated neighbours is significant.

Accordingly we confirm our objection to the project until the immediate issues are addressed . As such we maintain that these issues are derivative the objectives of the Planning Law and should be acknowledged as compelling justification **not to grant this Project Consent at this point in time** . ReD4 will maintain its vigilance on rejecting the call for consent approval until such time as an EIS presents as consistent with the Environmental Planning and Assessment Act 1979. As presented it falls significantly short of a requisite standard for Consent.

ReD4NE Committee Of Management

Please Respond to ReD4NE Committee of Management mark.fogarty@bushttricity.com.au

ReD4NE Inc -

Community Alliance for responsible energy development for the New England