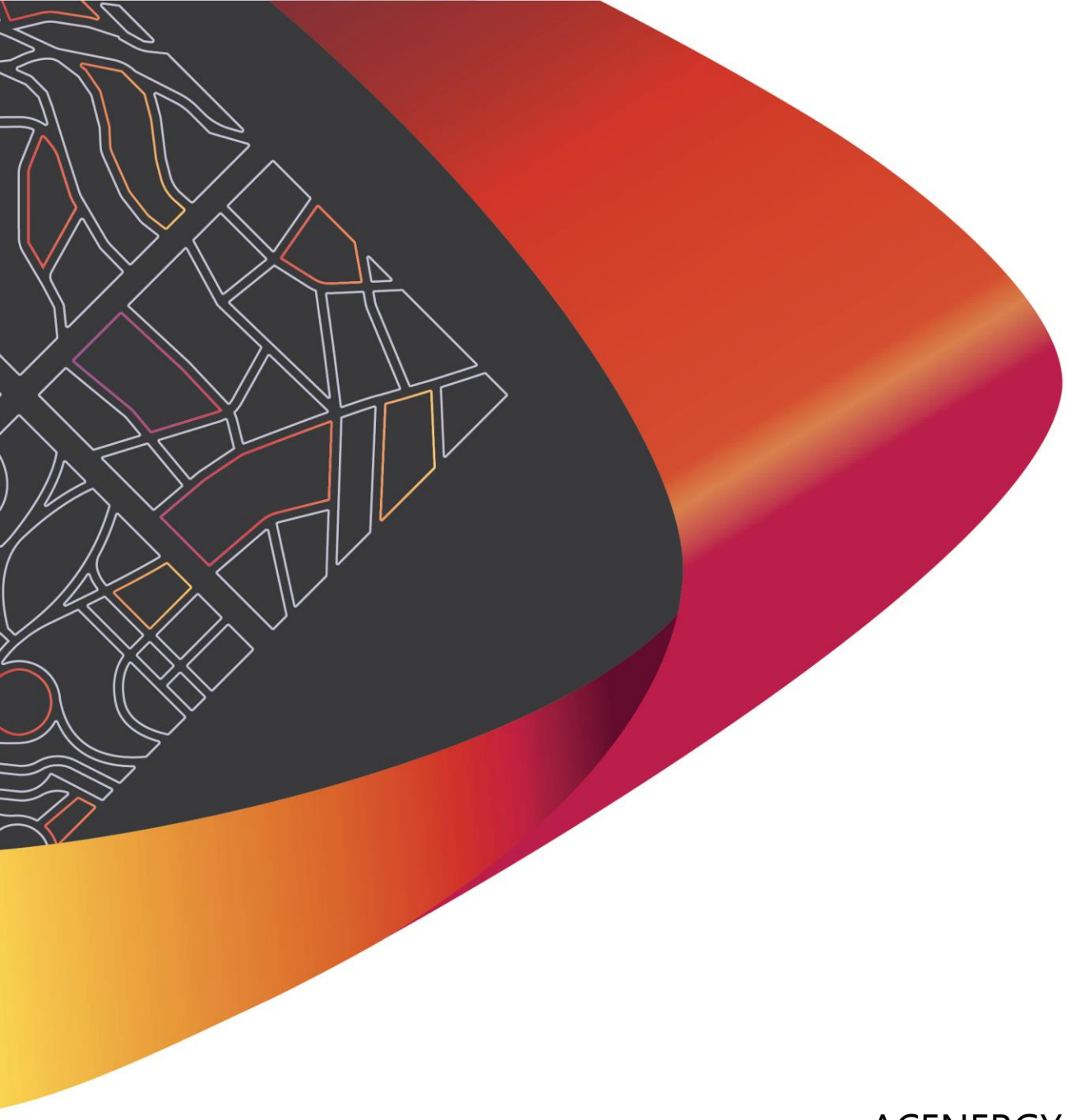

ACENERGY PTY LTD

P000874_SEE_001D

STATEMENT OF ENVIRONMENTAL EFFECTS

Report No: P000874_SEE
Rev: 001D
4 December 2024

Premise

DOCUMENT AUTHORISATION					
Revision	**Revision Date**	**Proposal Details**			
A	25/04/24	Draft for Internal Review			
B	31/05/24	Draft for Client Review			
C	04/06/24	Final			
D	04/12/24	Revised in response to Council RFI.			
Prepared By		**Reviewed By**		**Authorised By**	
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Hugh Shackcloth-Bertinetti					

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APPENDICES

1. INTRODUCTION

Premise Australia Pty Ltd (Premise) has been commissioned by ACEnergy Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for the development of a Distribution Battery Energy Storage System (DBESS) on land at 3 Turton Place, Murrumbateman, NSW. The site of the proposed DBESS is located within a land parcel legally described as Lot 23 DP24841 (otherwise referred to as the 'the host lot').

The site is located in the Yass Valley Council (YVC) Local Government Area (LGA) and is situated within land zoned as RU4 – Primary Production Small Lots via the *Yass Valley Local Environmental Plan 2013* (LEP). The proposed development is consistent with the definition of 'electricity generating works' pursuant to the LEP and is to be located in the northwestern extent of the host lot. The DBESS is to have an approximate capacity of 5 megawatts (MW).

This SEE has been prepared pursuant to the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The proposed development:

- Is not designated development as, by way of Schedule 3, clause 24 of the EP&A Regulation, it does not supply (nor is it capable of supplying) 30 MW of electrical power;
- Is not State significant development (SSD) as, by way of Schedule 1, Section 20 of State Environmental Planning Policy (Planning Systems) 2021 (the Systems SEPP), it does not have an estimated development cost (EDC) of more than $30 million, nor is it located within an environmentally sensitive area of State significance; and
- Is regionally significant development (RSD) as, by way of Schedule 6, Section 5 of the Systems SEPP, it has an EDC of more than $5 million.

This SEE is provided in the following format:

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2. THE SITE & ITS LOCALITY

2.1 The Locality

The town of Murrumbateman is situated in the Southern Tablelands region of New South Wales, approximately 19 km southeast of Yass and 38 km north of Canberra.

The site of the proposed development is located approximately 2.62 km southeast of the centre of Murrumbateman (refer to **Figure 1**).

The site is located alongside and will be accessible via a new driveway connected to Turton Place to the south. Turton Street extends in a general east to west alignment to the south of the host lot, connecting to Patemans Lane in the east. Patemans Lane connects to Murrumbateman Road in the north and provides a connection with Euroka Road in the south prior to terminating approximately 2.7 km to the south of the host lot. Murrumbateman Road extends eastward connecting to the Sutton Road and westward connecting to the Barton Highway a state classified road, passing through the centre of Murrumbateman.

The entirety of the host lot and site is zoned RU4 - Primary Production Small Lots, pursuant to the LEP.

The town of Murrumbateman consists of a mixture of rural, residential, commercial and industrial land uses. The locality surrounding the project site is predominantly characterised by rural land uses and living, including several dwellings, scattered vegetation and a mixture of cropping and grazing activities.

While the locality is predominantly rural and land in the immediate proximity of the proposal is generally vacant, there are five (5) receivers within the immediate vicinity of the development site**.** As shown in the project drawings at **Appendix A**, the closest residential receiver is R01, which is an associated receiver located approximately 236 m southeast of the DBESS footprint. Other non-associated receivers in proximity are situated approximately 569 m to the southeast and 354 m to the southwest of the DBESS with access arrangements along the Turton Place.

Other remaining land uses in proximity to the site include Cavalier Performance Horse riding school approximately 1.6 km to the west, an Alpaca Farm situated at the southern extent of Patemans lane and several vineyards including but not limited to Four Wines Vineyard. Dionysus Winery and Woo Chocolate located approximately 650 m to the east, Caruluma Vineyard approximately 1.8 km to the south, Clonakilla Vineyard approximately 1.4 km to the west and the Vintner's Daughter Winery located approximately 1.6 km to the west. It is anticipated that the land surrounding the site will be developed over time in accordance with the adopted land use zoning.

As shown in **Figure 2** one overhead 22 kV Essential Energy distribution line traverses the site in a general northwest to southeast alignment. Separate overhead 22 kV essential energy transmission lines transects the land within the eastern extent of the site near the existing dwelling of the associated receiver and transect land to the south of Turon Road near the proposed access arrangement. Other electrical transmission infrastructure within the locality, including overhead and underground services, provide connections to properties located along Turton Street to the southwest of the development site.

No national parks and reserves are identified in the immediate vicinity of the site. Namima Hill, however, is situated approximately 2 km to the east of the site.

2021 Census data for the suburb and locality of Murrumbateman identifies an estimated population of approximately 3,607 people. Industries of employment are characterised by public and education services with major industries of employment recorded within Central Government Administration, Defence, Computer System Design, State Government Administration and Primary Education (ABS, 2021).

2.2 The Site

The site is situated at 3 Turton Place, Murrumbateman within land legally described as Lot 23 DP248413. The lot containing the development has an approximate area of 16 hectares. The footprint of the proposed BESS is to occupy an area of approximately 0.5 ha in the northwestern extent of the host lot. The extent of the site is depicted in **Figure 2**.

The site is currently used for agricultural activities with the broader host lot consisting of several cleared paddocks. Several isolated paddock trees are located throughout the host lot with larger vegetation strand extending along the boundaries of paddocks and the southern boundary of the host lot. Every effort has been made to avoid clearing to the greatest extent possible. The development will require the removal of several trees from along the property's southern boundary, to facilitate the connection of a driveway to Turton Place.

The site currently features a single residential dwelling together with infrastructure ancillary to the existing agricultural landuse including paddock fencing, sheds, farm dams and internal access tracks. Access to the development site is to be provided to the southwestern extent of the host lot with an internal access road extending from a connection with Turton Place to the footprint of the DBESS.

Two (2) farm dams are located in proximity to the DBESS. The first is located in the northwestern corner of the host lot and has an approximate area of 2500 m^2 while the second is situated in the southwestern extent of the host lot and has an approximate area of 630 m^2. The adjacent properties also contain a number of farm dams and are utilised for agricultural purposes. An ephemeral unnamed drainage line connects farm dams across the northern portion of the site and extends into surrounding properties to the east and west.

As detailed above, an existing overhead power line runs in a general north to south alignment through the eastern portion of the site, with separate overhead transmission lines transecting land near the associated residential dwelling and the southern portion of the access arrangement.

Figure 1 – The Locality

Figure 2 – The Site

Figure 3 – Land Zoning

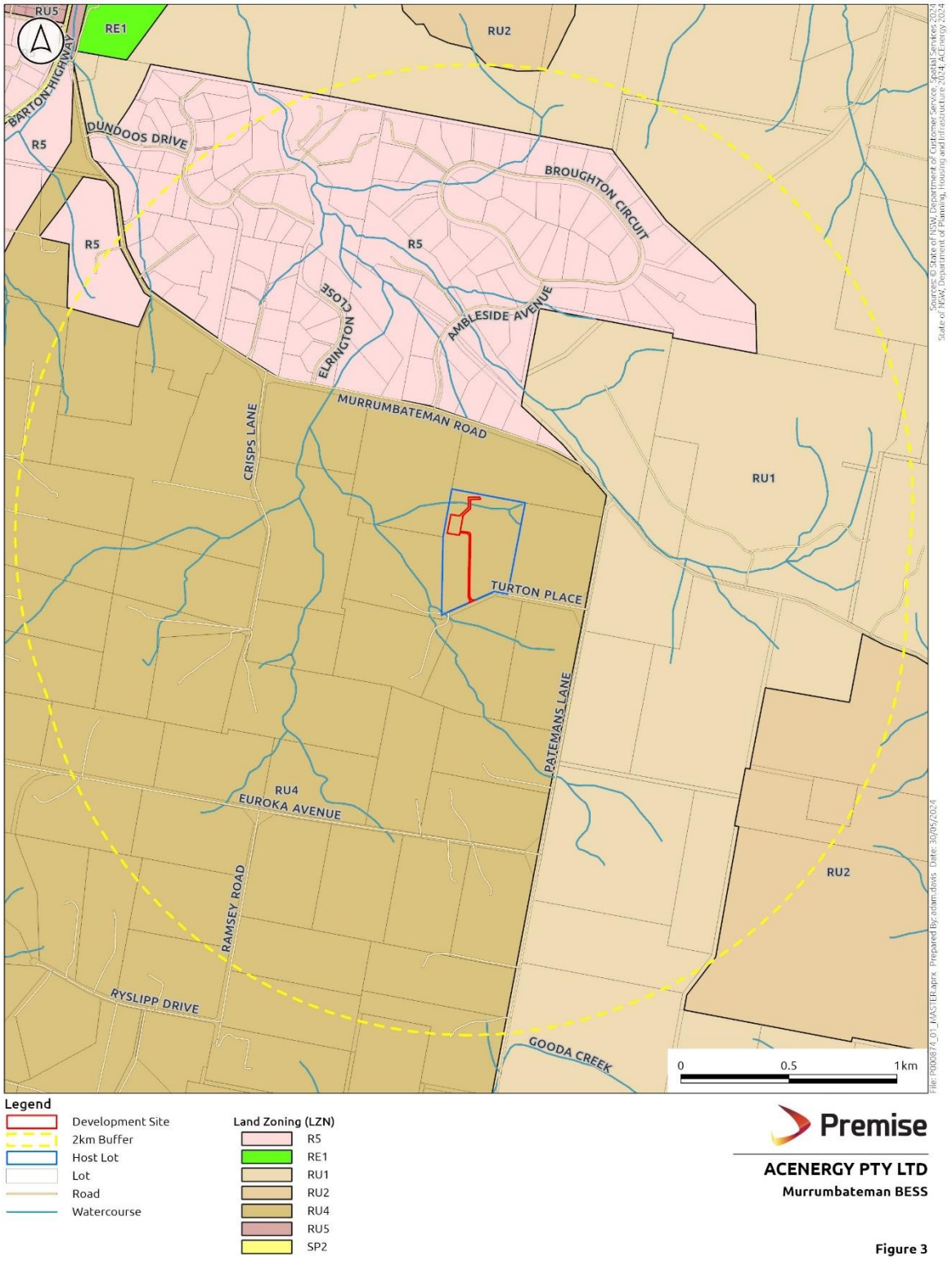

Figure 4 – Land Capability

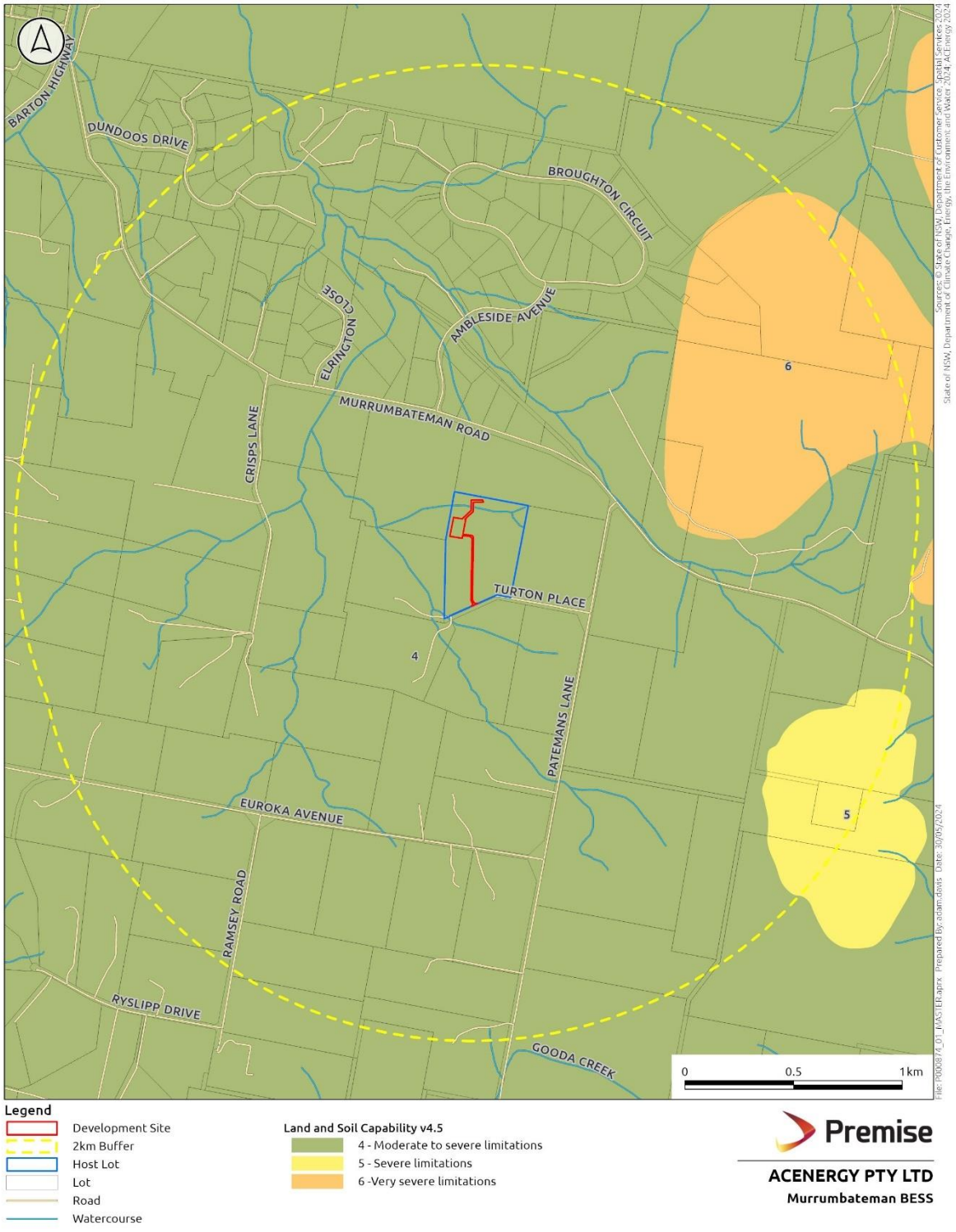

Figure 5

3. THE DEVELOPMENT

3.1 Development Description

The project comprises a DBESS that will occupy a footprint of approximately 0.5 hectares. The proposed DBESS is situated in the northwestern extent of the site and will have an approximate capacity of approximately 5 MW. The proposed DBESS, associated infrastructure and development footprint will largely align with, and be contained within, the development area shown in **Figure 2**.

The project will be designed to provide grid flexibility services. It will support the efficiency of the electrical network by charging from the grid during periods of low demand and discharging back to the grid during periods of higher demand. It would also have the capacity to charge or discharge when power system services are required, assisting to maintain the stability of the broader electricity grid by making stored energy available during high demand periods.

Power would transition to and from the DBESS switching station via a new 22 kV line connected to the existing 22 kV transmission lines to the east. The power conversion systems rectify the power into a form that is suitable for storage in the facility's batteries. The DBESS strengthens the power network by providing greater flexibility in grid management.

The key project infrastructure includes:

- The installation of a new access from Turton Place, connecting to an internal driveway extending northwards through the site to a gated entry to the DBESS. The proposed access arrangement includes the removal of two trees near the entrance to the site together with the relocation of an existing shed.
- Security fencing and landscaping around the DBESS.
- Electrical components of the DBESS, including 10 battery containers (separated into blocks); a medium voltage power station (MVPS) and high voltage switchgear in the northern corner of the site; and
- Ancillary electrical sub-transmission lines to connect the DBESS to the existing powerlines to the east.

The project would include the implementation of mitigation measures considered necessary to minimise risks posed by and to the proposed development.

4. STATUTORY PLANNING

4.1 Biodiversity

Section 1.7 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) provides that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act) and Part 7A of the *Fisheries Management Act 1994* (the Fisheries Act).

Subsection 7.2(1) in Part 7 of the BC Act provides the three triggers for development or activities to be considered as "likely to significantly affect threatened species". Under subsection 7.7(2) of the BC Act, the

development application is required to be accompanied by a development assessment report (BDAR) if it meets one or more of conditions for "likely to significantly affect threatened species".

The proposed development is considered against the three triggers in **Table 1.**

Table 1 – Section 7.2 of the BC Act

Test		Assessment
(a)	it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The site is disturbed as a result of previous land clearing and agricultural development. Accordingly, vegetation within the site is generally limited to non-native species planted in conjunction with the former land use. An assessment of potential impacts to biodiversity is provided in **Section 5.7**, together with a Flora and Fauna Assessment Report (FFAR) in **Appendix D**. No significant impacts to threatened species or ecological communities, or their habitats are anticipated.
(b)	the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	As per Section 7.4 of the BC Act, development exceeds the biodiversity offsets scheme threshold if it is: (a) Of an area declared by clause 7.2 of the BC Regulation as exceeding the threshold, or (b) On land included on the Biodiversity Values Map published under clause 7.3. The site has a mapped minimum lot size of 15 hectares pursuant to the LEP such that the relevant clearing threshold for the site is 0.5 hectare. The development does not propose to clear more than 0.5 hectares of native vegetation. The site does not contain land mapped via the Biodiversity Values Map. A BDAR is not required.
(c)	it is carried out in a declared area of outstanding biodiversity value.	The site is not located within a declared area of outstanding biodiversity value under Part 3 of the BC Regulation.

4.2 Designated development

Section 4.10 of the EP&A Act and Schedule 3 of the EP&A Regulation outline that certain types of development are classified as designated development. Designated development requires the preparation of an Environmental Impact Assessment for an application for consent.

The proposed DBESS represents a 'battery storage facility' for the purposes of Section 7 of Schedule 3 of the EP&A Regulation.

The approximate capacity of the proposed DBESS of approximately 5 MW is below the threshold of 30 MW provided by the EP&A Regulation such that the development is not classified as designated development.

4.3 Bush fire prone land

Section 4.14 of the EP&A Act provides that development consent cannot be granted for any development for any propose if located on bush fire prone land unless the consent authority:

> *(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
>
> *(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The project is not identified as a subdivision of land that could be used for residential purposes or rural residential purposes or development for a special fire protection purposes under 4.14(1) of the EP&A Act and it is not considered integrated development under Section 4.46 as no approval under section 100B of the *Rural Fires Act 1997* (RF Act) is required (refer to **Section 4.4**).

The site of the proposed development, however, contains land mapped as bushfire prone including Vegetation Category 3. A consideration of the proposed development with respect to the specifications and requirements of the document entitled *Planning for Bush Fire Protection,* pursuant to Section 4.14(1)(a), is therefore required.

An assessment of potential bush fire impacts associated with the proposed development is provided within **Section 5.14.2**.

4.4 Integrated development

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development.

A review of whether the development is classified as integrated development has been undertaken following the revision of an EDC report and the reclassification of the project as RSD. The proposed development is now classified as Integrated Development as it requires the following approvals identified via Section 4.46 of the EP&A Act:

- A consent under section 138 of the *Roads Act 1993* to carry out work in, on or over a public road. The proposed development will connect to Turton Place, a local road managed by Yass Valley Council.

For the avoidance of doubt section 4.46(3) of the EP&A Act previously applied to the classification of the project as local development. The requirement for a section 138 approval did not previously trigger consideration of the project as integrated development as the consent authority, Yass Valley Council, was also the roads authority. The refinement of the EDC and reclassification of the project as RSD, however, has

changed the consent authority to the Southern Regional Planning Panel. Section 4.46(3) therefore no longer applies and the Section 138 approval triggers consideration of the project as integrated development.

The applicant has no objection to a condition of consent requiring the attainment of a Section 138 approval to Council's satisfaction prior to issue of a construction certificate. Further consideration of access requirements, including with respect to the Section 138 approval, would be provided at construction certificate stage and as a result of the finalisation of detailed design.

It is noted that the proposed development seeks to establish an underground electrical cable to connect the proposed DBESS to existing transmission lines located within the eastern extent of the host lot. The proposed route for the electrical connection transects a drainage line which extends through the northern extent of the host lot. From a review of aerial photography, the drainage line is considered to be ephemeral in nature with intermittent flows conveying water from infrequent spills from farm dams in the east in a westward direction, across the site, to farm dams in the west. It, however, is mapped as mapped as a 2nd order hydroline via state mapping.

Consultation with DPIE Water has occurred following the original lodgement of the development application to determine requirements to attain a controlled activity approval (CAA) under Section 91 of the *Water Management Act 2000* (WM Act). The response received from DPIE Water has been provided to YVC and has detailed that the proposed works are not situated on waterfront land. DPIE Water have confirmed that no CAA is therefore required for the proposed development.

4.5 Environmental Planning Instruments

The EP&A Act facilitates the preparation of Environmental Planning Instruments (EPIs), including State Environmental Planning Policies (SEPP) and Local Environmental Plans (LEP).

In relation to the site and proposed development, the relevant EPIs include:

- *Yass Valley Local Environmental Plan 2013:* Refer to **Section 4.5.1**.
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021:* Refer to **Section 4.5.1.4**.
- *State Environmental Planning Policy (Resilience and Hazards) 2021:* Refer to **Section 4.5.3**.
- *State Environmental Planning Policy (Transport and Infrastructure) 2021:* Refer to **Section 4.5.4**.

4.5.1 YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

The following relevant provisions of the *Yass Valley Local Environmental Plan 2013* (LEP) are addressed in the following subsections:

- Clause 2.1 Land Use Zones: Refer to **Section 4.5.1.1**.
- Clause 6.1 Earthworks**:** Refer to **Section 4.5.1.2**.
- Clauses 6.3 Terrestrial Biodiversity: Refer to **Section 4.5.1.3**.
- Clause 6.8 Essential Services: Refer to **Section 4.5.1.4**.

4.5.1.1 Clause 2.1 Land Use Zones

The site is located on land zoned, RU4 - Primary Production Small Lots (refer to **Figure 3**). The proposed development consists of a DBESS, which is most appropriately defined as (emphasis added):

> ***electricity generating works*** *means a building or place used for the purpose of:*
>
> *a) making or generating electricity,*
>
> *b) or* ***electricity storage****.*

Development for the purposes of electricity generating works is prohibited within the RU4 Land use zone applying to the site under clause 2.3.

Notwithstanding this, Division 4 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Infrastructure SEPP) provides that development for the purposes of electricity generating works including electricity storage, is permitted with consent in a prescribed non-residential zone (refer to **Section 4.5.4**). The Infrastructure SEPP prevails to the extent of any inconsistency with another planning instrument. The RU4 zone is a prescribed non-residential zone and therefore the development is permitted with consent.

The proposed DBESS is not antipathetic to the objectives of the RU4 land zone. The implementation of appropriate mitigation measures as part of the design of the project and during the construction and operational phases would seek to minimise significant impacts to the objectives of the land zone and surrounding land uses.

4.5.1.2 Clause 6.1 Earthworks

Section 6.1 of the LEP requires consideration of a range of factors prior to granting consent for earthworks. It provides that development involving earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding landscape.

Subclause 6.1(2) of the LEP provides that development consent is required for earthworks unless they are exempt development under the LEP or another applicable EPI, or ancillary to other development for which consent has been given. Where consent is required, the consent authority is required to consider the matters in subclause 6.1(3) before granting development consent.

The proposed works are considered in the context of the matters in subclause 6.1 (3) in **Table 2**.

Table 2 – Earthworks Considerations

Matters for Consideration		Comment	
(a)	The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development	The proposed earthworks are limited to minor volumes associated with the installation an approximate 5 MW DBESS and therefore is not anticipated to result in any impacts on drainage patterns and soil stability in the locality.	✓

Matters for Consideration		Comment	
		Ground would be remediated post work to ensure a stable environment, with no additional run-off.	
(b)	The effect of the development on the likely future use or redevelopment of the land	The proposed earthworks are associated with the installation and operation of an approximate 5 MW DBESS. Earthworks are minor and unlikely to result in any demonstrable changes in land levels.	✓
(c)	The quality of the fill or the soil to be excavated	Excavation works will be limited to establishing footings/slabs for the proposed development and trenching for cables, with only minor amounts of soil excavated. In the event that excavated soil requires removal from the site it will be transferred as required to an appropriately licenced facility. Standard checking and tracking requirements will be applied.	✓
(d)	The effect of the development on the existing and likely amenity of adjoining properties	Levels near the site boundaries would be maintained, ensuring that the earthworks would not impact on the amenity of adjoining properties.	✓
(e)	The source of the fill material and the destination of the excavated material	The source any fill material and destination of any excavated material is to comply with Council's requirements.	✓
(f)	The likelihood of disturbing relics	The likelihood of disturbing relics is low as the site is located within a disturbed rural setting. The development footprint is considered unlikely to contain any of the natural features typically associated with Aboriginal sites or places.	✓
(g)	The proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area	The site is not located within a mapped environmentally sensitive area. The closest watercourse to the DBESS consists of a farm dam situated approximately 45 m to the north. The proposed electrical connection route however transects land mapped as containing a second order stream. Due to the distance between the DBESS footprint and subject to the implementation of appropriate mitigation measures, no adverse impacts to watercourses are anticipated to result	✓

Matters for Consideration		Comment	
		from the proposed development. Trenching of the electrical connection route	
(h)	Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	No additional measures are required to minimise or mitigate the impacts referred in paragraph (g).	N/A

4.5.1.3 Clauses 6.3 Terrestrial Biodiversity

Clause 6.3 of the LEP applies to land identified as biodiversity via the Terrestrial Biodiversity Map. The site of the DBESS consists of land mapped on the terrestrial biodiversity map.

Subclause 6.3(3) of the LEP prevents the consent authority from granting consent unless it has considered the matters under subclause 6.3(3) and is satisfied that potential impacts to biodiversity, with respect to subclause 6.3(4), are minimised.

An assessment of potential biodiversity impacts is provided within **Section 5.7.** Subject to the implementation of appropriate mitigation measures the proposed project is not anticipated to result in any significant adverse impacts to biodiversity.

4.5.1.4 Clause 6.8 Essential Services

Clause 6.8 of the LEP prevents the consent authority from granting consent unless it is satisfied that essential services are available or that adequate arrangements have been made to make them available when required. These include the supply of water and electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.

The following is noted in the context of Clause 6.8:

a. No reticulated water network is available for the proposed development. It is anticipated that water for the construction activities would be sourced and transported to the site via water trucks. Water supply arrangements would be confirmed in consultation with Council, Regulatory Authorities, and the existing landowner prior to construction and during the refinement of detailed design, ensuring a sufficient supply of water is available for the operation of the project – refer to **Section 5.6**.
b. The development would include the installation of ancillary electrical infrastructure. The proposed electrical connection would extend eastward from the proposed DBESS, connecting to an existing overhead transmission line located in the eastern extent of the site.
c. No permanent connection to a reticulated sewer network is proposed. Portable ablution facilities would be temporarily installed on site during the construction phase of the project. It is anticipated that chemical port-a-loo's, as temporary portable ablution facilities, will be provided at strategic locations around the site for use by personnel during the construction and decommissioning phases of the project. Where possible these port-a-loo's will be located on a trailer to allow for easy redistribution. Waste from port-a-loo's will be disposed of offsite at a licensed treatment facility.

d. The proposed development is not anticipated to result in significant impacts to surrounding water courses. Stormwater management measures would be provided as appropriate to minimise the potential for adverse impacts - refer to **Section 5.6** and Drawings provided in **Appendix A.**

e. The development includes the installation a new driveway and access arrangement connected to Turton Place. The access arrangement would be designed to provide safe ingress and egress for vehicles associated with the project – refer to **Section 5.8** and Drawings provided in **Appendix A.**

On the basis of the above, the development is considered to be acceptable in the context of clause 6.2 of the LEP.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

4.5.2.1 Chapter 2 Vegetation in non-rural areas

Chapter 2 of the Biodiversity SEPP relates to vegetation in "non-rural areas of the State", defined in Section 2.3 as land with any non-rural zoning. The RU4 – Primary Production Small Lot land zone applying to the site is not listed as a non-rural area under Section 2.3(1)(b).

The entire site is within the RU4 land zone and therefore, Chapter 2 does not apply to the proposed development.

4.5.2.2 Chapter 3 Koala habitat protection 2020

Under Section 3.3(1) of the Biodiversity SEPP, this Chapter applies to land within the RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry and equivalent zones in an LGA not marked with a '*' in Schedule 2 of the SEPP. A three-step process applies where the SEPP applies and the site (including adjoining land in the same ownership) has an area of more than one hectare.

The entire site is within the RU4 zone and the Yass Valley LGA is not marked a '*' in Schedule 2 of the SEPP. Chapter 3 of the SEPP therefore does not apply to the proposed development.

4.5.2.1 Chapter 4 Koala habitat protection 2021

Under Section 4.4(1) of the Biodiversity SEPP, this Chapter applies to LGAs listed in Schedule 2 of the SEPP. Section 4.4(3) of this chapter, however, provides that it does not apply to the land within the RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry zone or an equivalent land use zone, unless the zone is in a LGA marked with an '*' in Schedule 2 of the SEPP.

The entire site is within the RU4 zone and the Yass Valley LGA is listed without a '*' in Schedule 2 of the SEPP. Chapter 4 therefore applies to the proposed development.

As detailed in **Section 5.7**, the proposed activity is on land disturbed by agricultural operations.

Given existing disturbance and the minimal extent of vegetation impacted no significant impacts to koalas or koala habitat are expected. This is further discussed in **Appendix D.**

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

4.5.3.1 Chapter 3 Hazardous and Offensive Development

Section 3.7 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (The Hazards SEPP) requires the consideration of current circulars or guidelines prepared by the Department of Planning in determining whether a development is:

- hazardous storage establishment, hazardous industry or other potentially hazardous industry; or
- offensive storage establishment, offensive industry or other potentially offensive industry.

The current and most recent guidelines prepared by the Department of Planning, the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (Applying SEPP 33 Guideline; Department of Planning 2011), includes the screening tests to be used to determine whether a development is potentially hazardous development. If the screening tests indicate that a development is potentially hazardous development, a preliminary hazard analysis (PHA) is required to be provided as part of the DA. The type of screening test to be used is dependent upon the class, as categorised under the Australian Dangerous Goods Code (the ADG code; National Transport Commission 2020) of dangerous goods proposed to be accommodated on-site.

The project includes delivery of a DBESS. The dangerous good associated with DBESS are lithium batteries which are a class 9 dangerous good under the ADG Code. Class 9 goods do not exceed the screening thresholds under the guidelines under the Applying SEPP 33 Guideline as they "pose little threat to people or property" (Department of Planning 2011, p. 33). The proposed development is therefore considered unlikely to pose a significant hazard or risk associated with the use of lithium batteries.

4.5.3.2 Chapter 4 Remediation of Land

Section 4.6(1) of the Hazards SEPP states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, the consent authority must not consent to the carrying out of development unless it is suitable for the proposed use in its contaminated state or will be suitably remediated before the land is used for that purpose.

A search of the NSW EPA Contaminated land record was completed on 21 November 2024 for contaminated land within the Yass LGA. The search identified 15 notices related to two (2) contaminated sites within the LGA. The two sites included a former gasworks located along Dutton Street and a former Mobil depot located at 54-58 Laidlaw Street. No sites were identified within the town of Murrumbateman.

The EPA's list of notified sites dated 8 November 2024 was reviewed on 21 November 2024 for suburbs within the Yass Valley LGA. The search did not identify any sites at or within the vicinity of the project site.

Notwithstanding the above, the proposed activity is located on a site historically used for agricultural purposes and there is therefore the potential for contamination on site.

Through the discussions with the landowner, and a review of available historical aerial photography (refer **Section 5.1**), there are no indications of historic use of the land for a potentially contaminating purpose.

Whilst no known contamination risks have been identified, appropriate safeguards and mitigation measures, are recommended for implementation during the completion of site works and operation of the proposed activity to minimise the potential risks associated with encountering contamination (Refer to **Section 5.3**). The implementation of waste management measures (Refer to **Section 5.13**) together appropriate soil and water management measures (Refer to **Section 5.2** and **5.6**) would additionally assist to reduce the risk of site contamination occurring as a result of the proposed activity.

Accordingly, the development is considered to satisfy the requirements of Chapter 4 of the Hazards SEPP.

4.5.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Division 4 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (The Infrastructure SEPP) provides that development for the purposes of electricity generating works is permitted with consent in a prescribed non-residential zone. The RU4 zone applying to the site is a prescribed zone under Section 2.35 of Division 4.

The Infrastructure SEPP prevails over the LEP to the extent of an inconsistency pursuant to Part 2.1 Section 2.7, permitting the proposed development of electricity generating works to be undertaken with development consent on land within the RU4 zone. The proposed activity therefore is permissible with development consent on the basis that it is development permitted with consent via an EPI, the Infrastructure SEPP.

Other provisions of the Infrastructure SEPP are discussed in **Table 3**.

Table 3 – Infrastructure SEPP

Relevant Infrastructure SEPP provisions		**Assessment**
Section 2.36	Development for the purpose of electricity generating works permitted with consent.	The project is for the purpose of electricity generating works. Development for the purpose of electricity generating works may be carried out by any person with consent on land in a prescribed non-residential zone via Section 2.36(1)(b). The subject site is zoned RU4 land, which is a prescribed non-residential zone. As such the project is permitted with consent.
Section 2.118 and Section 2.119	Development on a proposed classified road and development with a frontage to a classified road	The proposed project does not include development on a proposed classified road such that Section 2.119 does not apply. The site of the development is situated adjacent to the Turton Place which is a local road managed by Yass Valley Council. No frontage or direct connection from the site to the road reserve of a classified road is proposed and therefore Section 2.119 does not apply.

Relevant Infrastructure SEPP provisions		Assessment
		Notwithstanding the above an approval under Section 138 of the *Roads Act 1993* is required for road works associated with the project including the connection to Turton Place. An assessment of potential traffic related impacts is provided in **Section 5.9.**
Section 2.122	Traffic generating development	The project is not identified as traffic generating development under Schedule 3 of the Infrastructure SEPP. An assessment of potential traffic related impacts is provided in **Section 5.9.**

4.5.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

A review of the NSW Government LEP planning proposal tracking website did not identify any draft planning instrument currently under assessment in the Yass Valley Council LGA relevant to the proposed development. The only current assessment is provided with respect to amendments to include 9 cabins located in Wee Jasper heritage items within Schedule 5 of the LEP (PP-2024-419).

4.5.6 DEVELOPMENT CONTROL PLAN

A previous review of the council's website, during the original lodgment of the development, did not identify a development control plan in effect which impacted the proposed development site. The plans in effect at the time of lodgement were restricted to *Yass Valley Council Development Control Plan, Fairley Commercial Centre, Murrumbateman* (YVC 2015) and the *Yass Shire Development Control Plan - Multi-unit Residential Development*. (YVC (2003).

The Yass Valley Council Development Control Plan 2024 (DCP) was adopted by Yass Valley Council on 25 July 2024 and came into operation on 1 August 2024. Whilst this was after the original lodgement of this development application, Council have identified that the draft DCP has been considered during councils' assessment of other development applications prior to its formal commencement. This section of the SEE has therefore been amended to provide a consideration of the current DCP.

The DCP, available via the YVC website, contains several development controls including specific parts applying to development applications for Subdivision, Residential, Rural, Large Lot and Environmental Zone Development Industrial and Commercial Development, Area specific Controls and development in hazard affected areas together with other generalised controls associated with the design of a development including with respect , area specific controls, development in hazard affected areas, carparking and access, heritage, natural resources and miscellaneous land uses.

Part A of the DCP notably provides a general outline on the purpose and aims of the plan and includes a Land Use Matrix to detail the applicability of each part to different types of development. Development applications for the purposes of electricity generating works as detailed in the DCP should be considered with respect to the following parts:

- Part A – Introduction
- Part B – Principles For All Development
- Part H – Development in Hazard Affected Areas (if necessary)
- Part I – Car Parking and Access
- Part K – Natural Resources (if necessary)
- Part L – Miscellaneous Land Uses (if necessary)

The land use matrix within the DCP does not assign electricity generating works for consideration under Part E – Rural, Large Lot and Environmental Zone Development. This part of the DCP however, states that it applies to development within land zoned R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management, C4 Environmental Living. RU4 Primary Production Small Lots. The proposed development is situated within the RU4 land zone and a consideration of provisions under Part E of the DCP is therefore provided.

Compliance with the relevant requirements of the DCP is demonstrated via the detailed assessment provided in **Appendix B.**

One (1) non-compliance was identified and is associated with minimum setbacks to properties containing intensive plant agriculture The DCP provides a control to ensure that development is setback 250 m from the boundary of a property which is used for intensive plant agriculture. The footprint BESS is setback approximately 140 m from the northern boundary which adjoins a property that undertakes intensive plant agriculture. Notwithstanding this the non-compliance is considered capable of being addressed through mitigation measures to achieve the objective of this part of the DCP.

On the basis of the assessment in **Appendix B**, it is considered that the proposed development is consistent and capable of achieving the relevant objectives of the DCP.

4.5.7 DEVELOPMENT CONTRIBUTIONS PLAN

The *Yass Valley Development Contributions Plan 2018* (YVC, 2019) applies to the project site. The contribution plan outlines the application of levies to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act.

Development that is exempt from paying a contribution under the plan includes:

- Development that has been the subject of a condition under a former section 94 plan under a previous development consent relating to the subdivision of the land on which the development is to be carried out,
- Development for the sole purpose of the adaptive reuse of an item of environmental heritage (listed in Schedule 5 of Yass Valley LEP),
- Places of public worship and centre based child care facilities by or on behalf of a charity or not-for-profit organisation,
- Emergency services facilities,
- Affordable housing or social housing by a social or a not-for-profit affordable housing provider,
- Development of facilities on behalf of a public authority,

- Development undertaken by or on behalf of Council,
- Community facilities or infrastructure,
- Any development excluded from paying a contribution by a Ministerial direction under Section 7.17 – 'Directions by Minister' of the EP&A Act.

The proposed development comprises the installation of a DBESS consistent with a battery storage facility and does not satisfy any of the exemption conditions listed above. Contributions will therefore apply to the proposed development (subject to confirmation from YVC). A cost summary report prepared by M/s Denary Quantity Surveying estimates costs associated with the project in accordance with Section 208 of the EP&A Regulations and has been provided with the application.

5. LIKELY IMPACTS OF THE DEVELOPMENT

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b). This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

The assessment is constrained to the proposed development, i.e. that which is described in Section 3 of this report. Impacts associated with the approved development are not required to be considered as part of this report.

5.1 Context and Setting

The site is located in an area zoned for the purpose of primary production and is characterised by agricultural land uses.

The proposed DBESS is permissible within the RU4 zone via the Infrastructure SEPP and has minimal ongoing impacts associated with its operation. The proposed electricity storage works would be generally low scale and are capable of being designed with minimal impact to the existing character of the locality.

A review of the site via the NSW Historical Imagery Viewer has been undertaken to assess the sites context and previous land uses. Historical imagery between 1985 and 1997, shows that the site and surrounding locality have historically been used for agricultural production including cropping. Tree plantings throughout the site have notably been introduced between 1985 and 1997, most noticeably in the row of trees surrounding the sites access road and surrounding the existing residential property within the same landholding to the east. Based on this review, and coupled with discussions with the landowner, no significant contamination is anticipated to have resulted from the previous agricultural land use of the site.

5.2 Soils

The development site impact area is mapped via the Land and Soil Capability Mapping for NSW (DPIE 2021) as having a land capability of Class 4 (moderate to severe Limitations) – Refer to **Figure 4.**

The site of the proposed activity is not mapped as containing Biophysical Strategic Agricultural Land (BSAL) and does not include any land mapped on the draft State Significant Agricultural (SSA) Land Map.

The site is located within the Boorowa soil landscape area (SI5512bw) which is identified with several soil hazards including moderate topsoil erodibility, low to moderate subsoil erodibility a low to moderate erosion hazard, a moderate structural degradation hazards and low to moderate shrink-swell potential. As noted via the soil landscape sheet soil erosion is associated to minor gullying of drainage lines with sheet and wind erosion occurring during dry times and following cultivation. The existing use of the Boorowa soil landscape is characteristic of agricultural land uses including extensive cultivation of winter cereals (mainly wheat) as well as sheep and cattle grazing.

Minor excavation and trenching is required to prepare the site for installation of the DBESS, with the potential for minor changes to access treatments and internal roads/driveways.

Soil impacts are anticipated to be limited to the construction phase of the project with no significant impact anticipated to result from the DBESS operation. Potential impacts on soil resulting from the proposed development include:

- Soil erosion and sedimentation.
- Soil contamination via spills from vehicles and vehicles during the construction phase.
- Potential disturbance of unknown contaminated soil.
- Encountering rock units with the capacity to accommodate naturally occurring asbestos.

Subject to the implementation of appropriate mitigation measures, including standard erosion and sediment controls during construction, the proposed development is not expected to result in significant impacts.

5.3 Contamination

A review of contamination records on 21 November 2024 did not identify any contaminated land within or in vicinity of the project site (refer **Section 4.5.3.2**).

The site is substantially separated from recorded contaminated sites such that no significant impacts from previous contamination are anticipated. In the unlikely event that contaminated soils are located within the site, these are unlikely to be substantially disturbed due to the extent of works proposed. No substantial soil movement or sub-surface works are expected to form part of the proposed DBESS development.

A review of historical imagery has determined that the site has historically been used for agricultural land use (refer **Section 5.1**). No significant contamination is anticipated to have resulted from the previous agricultural use of the site.

5.4 Heritage

5.4.1 ABORIGINAL HERITAGE

A basic search of the Aboriginal Heritage Information Management System (AHIMS) online database was undertaken on 21 November 2024 to determine the potential for adverse impacts to aboriginal heritage. The search did not identify any known Aboriginal sites or places of heritage significance occurring at or near the project site (refer to **Appendix B**).

A review of Native Title Vision mapping was undertaken on 21 November 2024 and did not identify any Native Title Determination Areas located at or near the project site.

Given the existing use of the project site and the absence of known sites or places of Aboriginal heritage significance heritage, the proposed activity is considered unlikely to result in significant impacts to Aboriginal heritage.

Notwithstanding the above there is potential for unknown archaeological remains to be discovered and encountered during the construction of the proposed activity. While the potential to discover items of heritage significance is considered low, a precautionary principle applies. Appropriate mitigation measures would be implemented during the construction phase of the project to minimise the potential for adverse impacts.

5.4.2 NON-INDIGENOUS HERITAGE

A review of the State Heritage Inventory (SHI) online database for the LGA and Schedule 5 of the LEP was undertaken on 21 November 2024. No items of local or state heritage significance were identified at or within the immediate vicinity of the subject site. The closest listed heritage item, Winstonwood Church (I114) is of local heritage significance and is located approximately 4 km northeast of the site.

Given the separation distance the proposed development is considered unlikely to result in any adverse impact to these heritage items.

Notwithstanding the above there is potential for unknown archaeological remains to be discovered and encountered during the construction of the proposed activity. While the potential to discover items of heritage significance is considered low, a precautionary principle applies. Appropriate mitigation measures would be implemented during the construction phase of the project to minimise the potential for adverse impacts.

5.5 Other Land Resources

The construction of the proposed development may result in some temporary disturbance to the existing agricultural use of the site, including through impacts associated with traffic, air and microclimate, waste and noise and vibration during the construction phase.

As detailed in **Section 5.2**, the proposed development is to occur with land mapped as Class 4 on the Land and Soil Capability Mapping for NSW (DPIE 2021). Class 4 land is described by the Land and Soil Capability Assessment Scheme (OEH, 2012) as:

> ***Moderate capability land:*** *Land has moderate to high limitations for high-impact land uses. Will restrict land management options for regular high-impact land uses such as cropping, high-intensity grazing and horticulture. These limitations can only be managed by specialised management practices with a high level of knowledge, expertise, inputs, investment and technology.*

Accordingly, and noting the small disturbance area, the proposed development is considered unlikely to result in any significant impacts to agricultural land resources. Mitigation measures implemented

throughout the construction, operation and decommissioning phases of the proposed development would be designed to minimise the potential for adverse impacts to the land and soil capability. During decommissioning the site would be returned (as far as reasonably practical) to its existing state, ensuring that the land remains suitable for future agricultural activities.

A review of the Minview mapping has identified that a mining exploration licence EL9120, owned by AURUM Metals Pty Ltd currently applies to the site. This exploration licence was granted on 30 March 2021 and has an expiry date of 30 March 2027.

The site is not located within a Mine Subsidence District and no mining or drilling approvals are known to have been granted in relation to the site. Given the proximity of the site to the town of Murrumbateman and limited extent of works it is considered unlikely that the footprint of the DBESS project would be utilised for future mining activities. It is also noted that the project is of a limited duration (approximately 40 years) and thus the future use of the land for mining purposes is not precluded.

Consultation between the applicant and AURUM Metals Pty Ltd would occur prior to commencement of construction to identify any potential conflicts and intentions to drill or explore in the area of the proposed DBESS. No disruption to other land resources is considered likely to result from the proposed development.

5.6 Water

5.6.1 SURFACE WATER

There are no surface water features located within the footprint of the DBESS.

Water sources in proximity to the DBESS are limited to two (2) farm dams located within the host lot and a 2nd order drainage line transecting the northern portion of the host lot. Several other farm dams and drainage lines are situated on surrounding land to the west and east of the host lot.

The closest water source to the DBESS is a farm dam situated approximately 45 m north of the DBESS, within the northwestern corner of the host lot. An additional farm dam is situated within the southwestern extent of the host lot, located approximately 215 m south of the DBESS and approximately 60 m west of the proposed access arrangement.

The drainage line within the northern extent of the host lot is located within the proposed electrical connection route, approximately 70 m north of the DBESS footprint at its closest point. The drainage line extends in a general east to west alignment, connecting the dam in the northwestern corner of the host lot to drainage features situated on adjacent land to the west and along the eastern boundary of the host lot. The drainage line is mapped via hydroline spatial data and consists of a second order stream draining in a westward direction, downstream of two (2) first order streams. The first order streams are connected to two (2) farm dams situated along the host lot's eastern boundary. It is likely that the stream flows only during times of heavy rain or when there is spill from the farm dams.

The proposed electrical connection route transects the second order stream to connect to existing transmission lines located within the eastern extent of the host lot. A Controlled Activity Approval is

anticipated as a requirement for the proposed development subject to confirmation from DPIE Water (refer to **Section 4.4**.

Notwithstanding the above, the proposed development is considered unlikely to result in any significant impact to surrounding watercourses. Subject to the implementation of appropriate mitigation measures the proposed project is not anticipated to result in any significant adverse impacts.

The implementation of a soil and erosion management plan and other standard construction measures would limit the potential for the proposed development to result in adverse impacts to the surrounding water environment during the construction phase. The following mitigation measures are recommended to minimise the potential for adverse impacts:

- Minimise the extent of ground disturbance and associated loss of groundcover as far as practical to reduce the potential sediment movement.
- Implement rehabilitation with a capacity to best utilise seasonally opportunities and needs;
- Activities with the potential for spills (refuelling) would not be undertaken within 50 m of any watercourse and a suitable spill response and containment kit available on site whenever and wherever these type of higher risk activities are undertaken.
- Ensure that the DBESS is appropriately designed and maintained during operation to minimise the potential for spills and soil contamination.

5.6.2 GROUNDWATER

The site is not mapped as containing groundwater vulnerability via the ePlanning spatial viewer or LEP.

A review of the WaterNSW All Groundwater Map did not identify any registered groundwater bores within the boundaries of the site. The closest registered bore GW047516 is situated approximately 200 m west of the DBESS footprint and is recorded with a total depth of 38.1 metres. The next closest groundwater bore, GW047293, is situated within the southwestern corner of the host lot, approximately 300 m south of the DBESS footprint. GW047293 is listed with a total drill depth of 45.7 m and a standing water level of 3 m below ground level.

A review of the Groundwater Dependent Ecosystems Atlas (BoM, 2024) and NSW SEED Portal (2024) did not identify any aquatic, terrestrial or subterranean Groundwater Dependent Ecosystems (GDE) occurring within the site or host lot.

A Flood and Groundwater Assessment prepared by Water Technology forms part of this application and provides further assessment of groundwater impacts (refer to **Appendix G**). The groundwater assessment was prepared to consider the likelihood of groundwater contamination impacts on GDEs, cumulative impacts on the groundwater system including nearby extraction and appropriate measure to avoid, minimise and mitigate the potential impacts of the development. The assessment concludes the following with respect to groundwater impacts.

> *Based on the understanding of the local hydrogeological regime and site operations during construction and operation, it is considered that there is negligible risk to groundwater or GDEs*

This conclusion was supported and derived from the following:

- *No significant volumes of potential contaminants will be stored on the subject site during construction and operation phases and the small volumes that are shall be appropriately bunded and infrastructure maintained.*
- *The battery units are self-contained and will control any potential leaks. There is no opportunity for leaching of metals due to the battery make up and containment and lack of water in the battery units.*
- *Excavations will be shallow, <1 m deep and groundwater is unlikely to be encountered and no dewatering or abstraction will occur. Summer or Autumn Excavations will further reduce the potential for intersecting groundwater during excavations.*
- *Depth to groundwater, based on available data, is generally >3 m (at bores located within 400 m of the Subject Site) and is beneath a thick clay layer, reducing the risk of infiltration to groundwater. However, recent water level data is not available and may change the risk assessment if it were found to be shallower on the Subject Site or the expected clay layer was not present.*
- *Mapped GDEs are all >2 km or more away and are unlikely to be impacted in the unlikely occurrence of groundwater contamination. As there will be no groundwater abstraction at the Subject Site the GDEs will not be impacted by changes in groundwater levels due to onsite activities.*
- *Site management plans will provide details on the clean-up of small spills via spill kits and soil removal.*
- *A shallow bore on the Subject Site to confirm site conditions is recommended.*

The following recommendation is provided in the conclusion of the Flood and Groundwater assessment with respect to groundwater monitoring:

> *…groundwater monitoring is not considered necessary at the Subject Site unless there is a major fire where fire-fighting water or chemicals are used, or another unforeseen leak occurs outside the expected small volumes of stored fuel. Should a major fire or other event occur, then groundwater monitoring wells should be located up and down-gradient of the site and down-gradient to determine any impacts to groundwater.*

The proposed development is therefore considered unlikely to result in any significant impact to surrounding groundwater resources. The implementation of surface water management measures, as detailed in **Section 7.4.6.1**, including a soil and erosion management plan, would assist to further minimise the potential for adverse impacts to groundwater.

5.7 Flora and Fauna

The site of the development is mapped as containing terrestrial biodiversity via the LEP. The site, however, does not contain any land mapped with biodiversity value via the Biodiversity Values Map.

A Flora and Fauna Assessment Report (FFAR) prepared by Waratah Ecology (2024) forms part of this application and is provided in **Appendix D.**

The FFAR included a desktop assessment of existing flora and fauna together with the completion of a site visit to assess the condition and extent of vegetation in April 2024. The FFAR details that most of the vegetation present is consistent with non-native agricultural cropland with several large, grassed paddocks.

Native vegetation, however, has been identified by the FFAR as bordering the southern extent of the host lot near the proposed driveway and along the boundaries of several paddocks throughout the site. The following native Plant Community Type (PCT) has been identified within the Study Area of the FFAR:

- PCT 3376 - Southern Tableland Grassy Box Woodland

The FFAR concludes that direct impacts arising from the proposed development will include the clearing approximately 0.72 ha of vegetation for the electrical equipment area, asset protection zone, access road and electrical connection route & easement. Vegetation within this area is comprised of agricultural grasslands which have been historically cleared for livestock grazing and predominantly consists of exotic grass species considered to be of low ecological values

The proposal is also noted to likely require the removal of several smaller trees along the property's southern boundary to enable access via Turton Place. These trees, however, have been identified as eucalypt species, young and not hollow bearing, and are considered to be of low to moderate retention value. The FFAR details that the proposed native vegetation clearing is below the clearing threshold that triggers the Biodiversity Offset Scheme. No vegetation clearing is proposed in areas identified as containing high biodiversity and no significant impact to a species under the BC Act is anticipated.

With respect to fauna, it is determined in the FFAR that the site does not represent important habitat for locally occurring species and that the development is unlikely to result in any impact to habitat utilised by threatened fauna species. An assessment of significance, pursuant to Section 7.3 of the BC Act was considered unnecessary by the FFAR and no Test of Significance was therefore undertaken. The FFAR has determined that the site is unlikely to contain suitable habitat for threatened species, primarily due to historical clearing and a large area of the site being dominated by exotic grasses/pasture. No significant impacts to threatened biota are therefore anticipated to result from the proposed development.

The FFAR has concluded that the Biodiversity Offset Scheme is not triggered by the proposed development and no BDAR is therefore required.

Overall, the development is considered unlikely to cause a significant impact to any threatened species, populations, or ecological communities listed under the NSW BC Act or the EPBC Act.

Subject to compliance with mitigation measures, the proposed development is considered unlikely to generate any significant adverse impacts on the life cycle or habitat of any of threatened species or threatened ecological communities.

5.8 Visual Amenity

The visual landscape of the locality is characterised by a range of rural land uses, consisting of large agricultural lots with pastures and scattered rural residential dwellings.

Construction activities would involve the operation of plant and equipment in visible locations. These works, however, would be temporary and short lived, unlikely to result in any significant visual impacts.

The proposed development would represent a degree of change in the appearance of the land compared to the current visual landscapes. Given the limited extent of works no significant adverse impacts to visual amenity are anticipated.

A conceptual design has been prepared to review the extent of necessary earthworks required to facilitate the proposed development. Two options have been considered with respect to the design of the BESS compound including the establishment of a generally flat finished level across the BESS compound and an alternative option to arrange electrical components on pylons following the existing contours of the site.

To avoid excessive fill requirements and potential visual impacts resulting from providing a generally flat but elevated BESS compound, the adopted option is for electrical components of the development including the MVPS and Battery units to be situated on platforms with variable length pylons. The pylons would elevate the electrical components from the existing ground surface and result in electrical components stepping down the slope of the BESS compound.

A site visit was completed on 19 November to further review the potential for visual impacts and to respond to a request for additional information issued by Council on 25 October 2024. Photographs were collected during completion of the site visit to provide an indication on perspectives of the development from six (6) surrounding non associated receivers and two (2) roadways, Murrumbateman Road and Patemans Lane. Consultation with receivers was undertaken for the site visit to confirm access arrangements to surrounding properties. Where access to surrounding properties could not be secured, photographs were collected at the next best accessible location within the boundary of the proposed development site.

It is noted that Council's RFI has requested the preparation of photomontages where appropriate to assist with evaluating potential visual impacts. Panoramic photographs have been produced as a result of the site visit and are provided within **Appendix J**. The photographs demonstrate that existing vegetation and topography already significantly obscure views of the proposed development site from surrounding receivers and roadways.

Notwithstanding this, a landscaping plan is provided in **Appendix F** and details the inclusion of a landscaping area exterior to the fenced area of the DBESS. The provision of vegetation buffers surrounding the fenced area of the DBESS, consisting of a total 356 individual plant species will further minimise the potential for adverse visual impacts.

Given the views demonstrated by the panoramic photographs and the conservative approach to include landscaping around the BESS, no significant visual impacts are anticipated.

5.9 Access, Transport and Traffic

The proposed site is located within a rural agricultural setting with vehicular access to be provided to the site via a new driveway along Turton Place. Turton Place is a local road managed by Yass Valley Council.

The proposed access arrangement is situated approximately 610 m west of an existing connection between Turton Place and Patemans Lane. Patemans Lane extends southwards providing access to surrounding rural properties and Euroka Avenue, prior to terminating approximately 2.6 km to south of the connection with Turton Place. Patemans Lane extends approximately 530 m northwards of the connection with Turton Place

prior to providing a connection with Murrumbateman Road. Murrumbateman Road is a regional road (Regional Road No. 0007609) which extends in a general east to west alignment between Sutton Road another regional road situated approximately 19.8 km to the east (Regional Road No. 0000052) and the Barton Highway a state classified road situated approximately 3.3 km to the west (State Classified Road No. 0000015).

The access arrangement satisfies the minimum entering sight distance for the operating speed of 70 km/hr specified in AS/NZS 2890.1 and features a security gate setback greater than 300 m from the edge of Turton Place, capable of accommodating the storage of a 19 metre semi-trailer clear of the traffic lane.

The proposed development has the potential to generate minimal traffic impacts during the construction phase associated with staff and equipment coming to and from the site consisting of a mix of light and heavy vehicles, as well as construction waste being removed from site via heavy vehicles. Impacts of additional movements would be predominantly restricted to the construction phase, including:

- Short term delays for travelling public; and
- Reduced road safety.

Potential impacts associated with changes to existing traffic conditions would be managed through a construction management plan, to be provided prior to construction commencing. The construction management plan would minimise the potential for adverse traffic impacts and is expected to include the implementation of a traffic management plan during construction to control access to the site, provide appropriate traffic controls, and to ensure all construction vehicles and materials are contained within the site at all times.

Following the completion of construction works and installation of the DBESS, no significant traffic impacts are anticipated. No significant change to existing traffic conditions during operation, in comparison to what is already experienced in the locality, is expected to occur as a result of the proposed development. Traffic during the operational phase would be limited to occasional maintenance activities.

A Traffic Impact Assessment (TIA) prepared by Traffic Works (2024) forms part of this application and is provided in **Appendix E.** The TIA concludes that there are no traffic engineering reasons that would prevent the development from proceeding. The following conclusions are provided in respect of potential traffic impacts associated with the proposed development:

- *the peak hour traffic generation will occur during the construction phase of the development, where the peak hour volumes are expected to be:*
  - *3 light vehicles*
  - *1 heavy vehicle.*
- *the construction phase is expected to take 4 weeks.*
- *the subject site will generate a peak car parking demand of 3 spaces during the construction period and 2 spaces post-opening.*
- *the development plan includes a designated parking area that will satisfy the parking demand.*
- *adequate sight distance is available at the intersection of Patemans Lane and Murrumbateman Road; no further treatment is required.*

- *the proposed site access driveway along Turton Place satisfies the minimum entering sight distance, as specified in AS/NZS 2890.1.*
- *the setback of the proposed security gate from the edge of Turton Place will accommodate the storage of a 19 m semi-trailer clear of the traffic lane.*
- *no additional turn lane treatments are required due to the traffic generated by the proposed development.*

The following recommendations are provided as a conclusion to the TIA:

- ***Recommendation 1:** trim or remove the tree restricting sightlines to the north (as shown in Figure 17)*
- ***Recommendation 2:** the subject site access driveway should be constructed according to Figure 7.4 in Austroads Guide to Road Design Part 4 requirements and to the council's satisfaction.*

Subject to compliance with mitigation measures provided in the TIA, the proposed development is considered unlikely to generate any significant adverse impacts to existing access and traffic conditions.

5.10 Noise and Vibration

As shown in project drawings provided in **Appendix A,** the closest dwelling to the subject site is the associated receiver, identified as RO1. The associated receiver is located within the same landholding approximately 233 metres southeast of the proposed DBESS. The closest non-associated receivers R03 and R04 are situated approximately 355 m to the southeast and 369 m to the northwest of the DBESS footprint.

The proposed development will generate minimal noise and vibration impacts during the construction and operational phase. Construction impacts are expected to be limited to site development works and traffic movements and will be managed through a construction management plan, to be provided following DA approval.

Following the completion of construction works, no significant noise and vibration impacts are anticipated. Noise during operation would be limited to that generated by the battery infrastructure and maintenance traffic movements. Surrounding receivers are substantially separated from the extent of the battery such that no significant noise and vibration impacts during the operation of the development are anticipated. Accordingly, the proposed development is considered unlikely to significantly affect surrounding receivers through noise and vibration impacts.

An Acoustic Report (AR) prepared by Watson Moss Growcott Acoustics (2024) forms part of this application and is provided in **Appendix I**. Acoustic modelling of the development has indicated that in the absence of noise control, and without consideration of any NPfI modifying factors, the predicted noise levels for the operation of the project at all non-associated receivers is compliant with the adopted project trigger noise levels.

Notwithstanding this, the acoustic report has provided a conservative assessment with consideration of modifying factors nominated in the NPfi related to tonal noise and low frequency noise. Updated modelling results with the inclusion of tonal adjustments has indicated that residual noise impacts at R01 and R03 have the potential to exceed the project trigger levels.

To reduce operational noise emissions from the subject site and ensure compliance with project trigger levels at surrounding receivers the AR provides a provisional measure to construct an acoustic barrier to the southeast of the BESS.

The following conclusions are provided in respect of noise generated by construction activities and road traffic associated with the proposed development:

- *Noise due to construction vehicle movements is predicted to be below noise level criteria nominated within the Road Noise Policy.*
- *Noise emissions due to some construction activities have been predicted to exceed NMLs at receptors. In these instances, WMG has provided noise mitigation strategies to minimise the potential for adverse impacts on the relevant sensitive receptors.*
- The project construction and operational phase will not include any vibration intense activities such as piling and ramming and hence, have not been considered further.

Subject to compliance with mitigation measures provided in the AR, the proposed development is considered unlikely to generate any significant adverse noise and vibration impacts.

5.11 Air and Microclimate

The proposed development would result in minimal impacts to the air and/or microclimate during the construction of the DBESS. These impacts would be managed through a construction environmental management plan (CEMP), to be provided following DA approval. The CEMP is expected to include the following measures to minimise the potential for adverse impacts to air quality:

- Stockpiled topsoil and other materials that exhibit significant dust lift off would be wet down routinely and as appropriate.
- Stabilising techniques and/or environmentally acceptable dust palliatives will be utilised if the wetting down of surfaces prove to be ineffective.
- All equipment is maintained accordance with the manufacturers specifications.

Once the DBESS is operational, no adverse impacts to the air or microclimate is anticipated.

5.12 Servicing

All in-ground and above-ground services that are to be retained on site would be identified prior to works commencing. Subject to the identification of all in-ground and above-ground services for retention prior to works commencing and carrying out works in accordance with relevant standards and safe work practices, the proposed DBESS is not anticipated to generate any significant risks to existing services.

Servicing arrangements for the proposed DBESS would be refined during detailed design and confirmed in consultation with Council and relevant regulatory authorities prior to construction. The following is noted with respect to servicing requirements:

- Electrical services associated with installing the DBESS would be limited to the augmentation and provision of sufficient electrical connections to connect the development with the local electrical network.
- Water use for the construction of the DBESS would be minimal and likely limited to that required for dust suppression during the construction phase. Water for construction activities is expected to be sourced and transported to the site via water trucks.
- It is anticipated that chemical port-a-loo's, as temporary portable ablution facilities, will be provided at strategic locations around the site for use by personnel during the construction and decommissioning phases of the project. Where possible these port-a-loo's will be located on a trailer to allow for easy redistribution. Waste from port-a-loo's will be disposed of offsite at an appropriately licensed treatment facility. No ablution facilities are proposed for the operational phase of the project. During Operation visitors to the site would be limited to occasional maintenance staff.

5.13 Waste

The proposed development will generate waste during the construction phase. The following waste types are likely to be generated by construction activities.

- Packaging materials
- Excess building materials
- Cabling
- Metal off-cuts
- Plastic and masonry products
- General refuse and other non-putrescible general solid wastes.

Waste generated through the construction phase would be stored temporarily on-site in skips prior to removal and delivery to an approved waste facility in accordance with a construction management plan, to be provided following DA approval. Following the completion of construction works, no significant waste impacts are anticipated.

During the operational phase of the DBESS, waste generation would be limited to maintenance activities. This has the potential to include the replacement of site infrastructure and components of the DBESS. Waste if generated during the operational phase of the development, would be removed from the site and either recycled or disposed of at an appropriate waste disposal facility.

5.14 Hazards

5.14.1 FLOODING

The proposed development is not considered likely to be significantly impacted by flooding hazards.

A Flood and Groundwater Assessment Report prepared by Water Technology (2024) forms part of this application and is provided in **Appendix G .** The assessment concludes that there are no significant overland flow paths across the site. Modelling for the 1% Annual Exceedance Probability (AEP) flood event identified that the maximum flood depth within the footprint of the DBESS is approximately 0.02-0.05 m. The flood

modelling identified peak flood depths below 80 mm with maximum flood velocities between 0.05- 0.55 m/s. On this basis the site of the BESS is classified as flood hazard H1, generally safe for people, vehicles and buildings.

The following recommendation is provided in the conclusion of the Flood and Groundwater assessment with respect to surface water and flooding hazards:

> *Based on the findings of the flood modelling it is recommended to set critical infrastructure to be a minimum of 150 mm above the existing ground level to reduce the risk associated with stormwater runoff impacting infrastructure. Importing fill to raise the areas where infrastructure is to be located is not likely to increase flood levels on neighbouring properties, however, should be tested within the hydraulic model at a further design stage once the final layout is available.*

As previously detailed, electrical components of the development including the MVPS and Battery units are currently proposed to be situated on elevated platforms with variable length pylons. The pylons would elevate the electrical components from the existing ground surface and result in electrical components stepping down the slope of the BESS compound. The elevation provided from the pylons would be designed to achieve the recommendation of the FGAR, elevating critical infrastructure to a minimum of 150 mm above the existing ground surface.

The design of the project nevertheless remains subject to the finalisation of detailed design following the assessment of the development application.

Subject to the implementation of appropriate mitigation measures, including standard erosion and sediment controls during construction and compliance with the recommendations of the flood and groundwater assessment report, the proposed project is considered unlikely to result in any significant adverse impacts to surrounding watercourses or flooding behaviour.

5.14.2 BUSHFIRE

A review of bushfire mapping provided via the ePlanning Spatial Viewer and SEED Portal has identified that the entire site is mapped as containing Vegetation Category 3 bush fire prone land (BFPL).

A Bush Fire Management & Emergency Response Plan (BFMERP) prepared by Harris Environmental Consulting (2024) forms part of this application and is provided in **Appendix H.**

The BFMERP has been prepared in accordance with the requirements of *Planning for Bushfire Protection 2019* (PBP 2019). To determine the planning and construction requirements for the development the BFMERP has undertaken a review of vegetation, slope and other relevant bushfire characteristics within and surrounding the development site. To ensure compliance with the requirements of PBP 2019 the BFMERP includes mitigation measures to ensure bushfire risks are appropriately managed. The proposed development will be managed in accordance with recommendations and measures identified in the BFMERP including measures to:

- Prevent or mitigate fire ignition, including maintenance of the DBESS and an Asset Protection Zone to create a buffer from bush fire prone vegetation and a defendable space for firefighting operations.

- Ensure that landscaping of the DBESS is implemented and managed in a manner that minimises bushfire risks.
- Ensure that the DBESS is designed and built in accordance with relevant construction standards including the implementation of non-combustible materials and requirements for support equipment.
- Ensure that appropriate access is provided for the DBESS including within the 10 m internal APZ to accommodate bushfire fighting activities.
- Ensure the availability of fire-suppression equipment, access and water, including the provision of a static water supply with a minimum capacity of 20,000-litres. The water supply should be constructed of suitable materials and to appropriate standards, ensuring water is accessible for firefighting activities as per the requirements of the BFMERP.
- Prioritise the placement of electrical connections underground where practical and ensure compliance with appropriate vegetation management standards where overhead power supply is implemented.
- Ensure the appropriate storage and maintenance of fuels and other flammable materials.
- Ensure notification is provided to the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation or that are proposed to be carried out during a bush-fire fire danger period in order to ensure weather conditions are appropriate.
- Ensure appropriate bush fire emergency management planning and responses.

It should be noted that development for the purposes of electricity generating works (BESS) is not categorised as "special fire protection purposes" and therefore the development does not require a 100B Certificate under the Rural Fires Act 1997 (refer to **Section 4.3**).

Subject to implementation of recommended mitigation measures, the proposed development is considered unlikely to generate any significant adverse impacts associated with bush fire risks.

5.14.3 TECHNOLOGICAL HAZARDS

The proposed development is not anticipated to generate any technological hazards, subject to:

- The identification of all in-ground and above-ground services for retention prior to works commencing,
- The completion of any removal, relocation and or replacement of existing services where required within impacted areas,
- The capping of any adjacent services, where required and
- The carrying out of works in accordance with relevant standards and safe work practices.

The portion of the site on which the DBESS is proposed to be installed is considered unlikely to be contaminated (refer to **Section 5.3**).

Electric and magnetic fields (EMF) are produced naturally as well as by human activity. The earth has both a magnetic field, produced in the earth's core, and an electric field, produced by electrical activity like storms in the atmosphere. Electrical equipment of all sizes and voltages produces EMF. Both fields drop away rapidly with distance from the source, or due to shielding by insulation or earth (in the case of buried installations).

The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued Guidelines for Limiting Exposure to Time-Varying Electric and Magnetic Fields. The relevant authority in Australia is the Australian Radiation Protection and Nuclear Safety Agency (ARPNSA) and they refer to the ICNIRP guidelines. These supersede earlier guidelines published by National Health and Medical Research Council (NHMRC).

The ICNIRP EMF guidelines provide relevant limits for the general public for 50 Hz sources as follows:

- Electrical Field Strength (E): 5 kilo Volts per metre (kV/m)
- Magnetic Flux Density (B): 200 micro Teslas (μT)

EMF increases with voltage and proximity to the apparatus producing, transmitting or consuming electricity. EMF varies according to specific design and construction parameters such as conductor height, electrical load and phasing, and most importantly, whether the conductors are overhead or buried.

The DBESS is located within a secure site and will not be open to the general public. The closest dwelling is located in excess of 150 metres from the DBESS, and at that distance EMF emission levels are not anticipated to be any higher than what currently exists. No significant impacts associated with technological hazards are therefore anticipated.

5.15 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management.

The proposed development has been designed with consideration of safety, security and crime prevention. Fencing of the DBESS site and periodic maintenance activities are anticipated to have a positive impact on surveillance, access control, territorial reinforcement and space management, enabling the continued use of the site for electrical storage alongside surrounding agricultural activities.

5.16 Public Domain

The proposed development will generate minimal impacts on the public domain during the construction phase predominately associated with the increased of traffic to the site (refer to **Section 7.4.8**).

Any necessary approvals for works within the public domain would be secured following DA approval. The impacts of these activities would be managed through a construction management plan, also to be provided following DA approval.

Following the completion of construction works, no significant impacts to the public domain are anticipated.

5.17 Social Impact

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

The proposed development will have a minimal social impact predominantly through minor increases in traffic, air and microclimate impacts, waste generation and an increase in noise and vibration during the construction phase. These impacts are capable of being managed through a construction management plan, to be provided following DA approval. The impacts are also overcome by the benefits of the works, providing greater flexibility for the electrical network.

5.18 Economic Impact

The proposed development would have minimal economic impact associated with impacts to surrounding businesses during the construction phase. These impacts are capable of being managed through a construction management plan, to be provided following DA approval.

The potential for adverse impacts is offset by the creation of economic benefits as a result of the development. Short term economic benefits are expected during the construction phase of the project with expenditure on local goods accommodation and materials together with the generation of employment opportunities for local contractors. The operation of the project will continue to enable ongoing employment opportunities for operation and maintenance activities together with follow on economic benefits associated with improving the reliability and flexibility of the electrical network.

5.19 Construction Impacts

Construction impacts would be short-lived and manageable. The following standard construction management measures would be implemented to ensure impacts to the locality are minimised:

- Standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on Public holidays) would be implemented;
- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

5.20 Cumulative Impacts

It is not anticipated that the development would result in any cumulative impacts including:

- individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- individual impacts so close in space that the effects overlap (space crowded effects);
- repetitive, often minor impacts eroding environmental conditions (nibbling effects); or

- different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

5.21 Suitability of the Site for Development

The site is considered suitable for the proposed development based on the following:

- It is generally level and located within an environment historically disturbed by agricultural activities.
- It is unlikely to be contaminated given existing records from the NSW EPA list of Notified Sites and the EPA Contaminated Land Record.
- It is unlikely to contain Aboriginal sites or places and is not mapped as being within a heritage conservation area under the LEP.
- It is considered unlikely to significantly impact surface and groundwater resources subject to the implementation of appropriate measures.
- A FFAR has determined that the proposed development is unlikely to result in any to threatened biota including any significant impacts on the life cycle or habitat of any of threatened species or threatened ecological communities.
- The development is capable of implementing appropriate measures to minimise potential risks associated with bushfire and flood hazards, surface and ground water, soil and traffic impacts.
- It is not anticipated to significantly increase the demand for essential services and is located in close proximity to existing electrical transmission infrastructure minimising the disturbance for providing appropriate electrical connections.

5.22 The Public Interest

The proposed development is in the public interest on the following grounds:

- It is permitted with consent via the Infrastructure SEPP and is not inconsistent with the objectives of the RU4 zone as per the LEP.
- Will have minimal impacts limited to short term traffic, public domain, air and microclimate, waste and noise and vibration impacts during the construction phase. These impacts are capable of being managed through the implementation of standard management measures as outlined throughout this report and summarise in **Section 5.19.**
- Is within a suitable site for the proposed works, which is generally level, located within a rural environment and unconstrained in terms of significant soils, heritage, watercourses, vegetation or hazards such as bushfires or flood events.

6. CONCLUSION

This SEE has been prepared by Premise to describe the proposed development of electricity generating works (DBESS) in a site located near Turton Place, Murrumbateman and considers the development in the context of Section 4.15(1) of the EP&A Act. This includes a consideration of the relevant environmental

planning instruments, the likely impacts of the development, the suitability of the site and the public interest.

In terms of environmental planning instruments, the proposed development is permitted with consent on the RU4 land use zone via Section 2.36 of the Transport and Infrastructure SEPP and is compliant with all other relevant provisions under the LEP. While the no DCP currently applies to the proposed development, the development has been assessed against the provisions under the LEP and is anticipated to be consistent with future controls issued under the planned updated Yass Valley Council DCP.

With respect to impacts, the assessment in this SEE and supporting documentation has determined that the proposed development will have minimal or acceptable impacts on the environment and public. This includes the local context, soils, heritage, other land resources (i.e. agriculture and mining), water, flora and fauna, visual amenity, access, transport and traffic, noise and vibration, air and microclimate, servicing, wastes, hazards, social and economic impacts.

The site is suitable for the development as it is unlikely to be contaminated or contain Aboriginal sites or places in the vicinity of the proposed development. It is not mapped under the LEP as being or adjoining an item of heritage significance, within a heritage conservation area or within an area identified with wetlands. The site is mapped as having moderate to severe limitations for agricultural uses, is considered unlikely to contain significant native vegetation and is capable of implementing appropriate controls to address existing flood and bush fire hazards. Finally, the site is considered suitable for the proposed development by facilitating an opportunity for electrical storage in close proximity to existing electrical distribution and generating infrastructure, with accessible transportation routes supporting the transport of staff and equipment and local population centres for sourcing labour.

The proposed development will provide a benefit to the public, improving the reliability and flexibility of the electrical network by facilitating the storage of electricity. For the reasons set out above, the proposed development is considered to be within the public interest and is recommended for approval.