

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

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| Application type | State Significant Development |
| Application number and project name | SSD-33344237 Bellambi Heights Battery Energy Storage System |
| Applicant | Vena Energy Services (Australia) Pty Ltd |
| Consent Authority | Minister for Planning and Public Spaces |

Decision

On 2 May 2024, the Executive Director, Energy Assessments, granted consent to the development application for the Bellambi Heights Battery Energy Storage System subject to conditions, under delegation from the Minister for Planning and Public Spaces and section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act).

A copy of the Department of Planning, Housing and Infrastructure's assessment report and development consent is available [here](#).

Date of decision

2 May 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
 - enabling energy to be stored and dispatched during peak demand, supporting grid stability and energy security;
 - contributing to a more diverse local economy;
 - creating up to 100 construction jobs and up to 10 operational jobs;
 - contributions to Mid-Western Regional Council of \$4.13 million through a Voluntary Planning Agreement;
 - a capital investment of approximately \$413 million;
 - storage of energy for dispatch to the National Electricity Market; and
 - assisting in transitioning the electricity sector from coal and gas fired power stations to renewable energy;
- the project is permissible with consent, and is consistent with NSW Government policies including the *NSW Electricity Strategy (2019)*, *NSW Electricity Infrastructure Roadmap*, *NSW Net Zero Plan Stage 1: 2020 – 2030* and associated *Implementation Update* and the *Central West and Orana Regional Plan 2041*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- none of the NSW Government agencies nor Council object to the project;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest, subject to the strict conditions of the consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 1 September 2023 until 4 October 2023 and received 49 unique submissions objecting to the project, including three from interest groups.

The Applicant engaged with the community during the preparation of the EIS and detailed the findings of the engagement, including how it influenced the scope and design of the project, in the EIS.

The Department consulted with government agencies and Mid-Western Regional Council throughout the assessment process.

The key issue raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker were hazards and risk, energy security and cost, loss of agricultural land, visual impacts, decommissioning waste and cumulative impacts. Other issues are addressed in detail in the Department's Assessment report.

| Issue | Consideration |
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| <p><i>Hazards</i></p> <ul style="list-style-type: none"> • Fire risk | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has undertaken a preliminary hazards analysis (PHA) which concluded that risks are not considered to exceed the acceptable risk criteria or can be mitigated subject to implementation of recommendations. • To actively manage fire risk, an asset protection zone would be established and maintained. In addition, a minimum 5,000 litre water supply tank would be provided. • A Fire Safety Study would be prepared along with an Emergency Plan to support the development. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Develop a Fire Safety Study prior to the commencement of construction. • Develop an Emergency Plan prior to commencement of commissioning. • Store and handle all chemicals, fuels and oils and used on-site in accordance with relevant standards. • Provide an asset protection zone in accordance with RFS's <i>Planning for Bushfire Protection 2019</i> and <i>Standards for Asset Protection Zones</i>. |
| <p><i>Energy Security, Cost and Resource Recovery</i></p> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project aligns with a range of Commonwealth and State policies, which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability. • Battery storage provides 'firming capacity' by contributing to dispatchable energy availability during peak energy demands or when renewable production is low. • Importantly, the project would also contribute to energy security and reliability by providing frequency control ancillary services and system restart ancillary services, meaning the project would contribute to energy supply. • On balance, the Department considers the environmental benefit of reducing greenhouse gas emissions outweigh any manufacturing impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Minimise harm to the environment. |
| <p><i>Loss of agricultural land</i></p> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • All land within the development footprint is mapped as Class 4 (moderate-capability land) under the Land and Soil Capability (LSC) mapping for NSW and would result in temporary removal of 0.005% of the present LSC Class 4 lands within the Renewable Energy Zone (REZ). • There are no areas of Biophysical Strategic Agricultural Land (BSAL) within the development footprint. • The project is considered reversible in its ability to restore to the pre-existing land uses. The implementation of the proposed mitigation measures, including proposed decommissioning, rehabilitation and biosecurity measures, would enable the land to return to full agricultural production at the end of project life. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Within 18 months of the cessation of operations, infrastructure must be decommissioned and removed, and land must be restored to its pre-existing use. |
| <p><i>Visual</i></p> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant assessed the visual impacts of the development from representative viewpoints surrounding the site, including four public viewpoints and twelve residences (represented by 5 viewpoints), within 2.6 km of the site. • The closest residential receiver (R10), located 960m south of the project site, would have no views of the project. The nearest residential receiver with views of the project (R5), is approximately 1.2 km to the north. Visual impacts at this residence would be negligible due to setback distances, undulating topography and intervening vegetation. • Visual impacts at all public viewpoints and residences would be low or negligible as views would be obscured by intervening topography and existing vegetation. <p><i>Conditions</i></p> |

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| | <ul style="list-style-type: none"> • Minimise the off-site visual impacts of the development, including the potential for any glare or reflection. • Minimise the off-site lighting impacts of the development. |
| <i>Decommissioning</i> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • All waste generated by the Proposal would be classified in accordance with the <i>NSW Waste Classification Guidelines Part 1: Classifying Wastes</i> (DECCW 2008). • The project is considered highly reversible in its ability to return to the pre-existing land use. The majority of project components are recyclable and operational waste streams would be very low given the low maintenance requirements of the BESS. • The Department considers that the battery would be suitably decommissioned at the end of the project life. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The applicant must minimise waste generated by the development, remove all waste from site as soon as practicable and ensure it is reused, recycled or sent to an appropriate facility for disposal. • Rehabilitation objectives are set which the applicant has to achieve within 18 months of the cessation of operations, including restoring the land to its pre-existing use. |
| <i>Cumulative Impacts</i> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> • Given the project is located within the Central-West Orana REZ, there are a number of other energy projects proposed, approved, under construction or operating within close proximity to the site. • The Applicant considered cumulative impacts in its assessment, including cumulative traffic, noise, visual amenity, bushfire and hazards, and social impacts and concluded there are no significant cumulative impacts. • The Department considers all potential cumulative impacts are generally low, and any residual impacts associated with the project, and surrounding operations, would be adequately managed through the proposed mitigation measures and conditions of consent. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Applicant must develop an Accommodation and Employment Strategy that considers the cumulative impacts associated with other State significant projects in the area. • The Applicant must develop a Traffic Management Plan that minimises potential cumulative traffic impacts associated with other State significant projects in the area. |