

# Submission to the NSW Independent Planning Commission

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Project: **Yanco Battery Energy Storage System** (SSD-67478479)  
Submitted on behalf of: **National Rational Energy Network** (NREN)  
Date: **24 September 2025**  
Position: **Objection**

## 1. Introduction and Position

We object to the proposed Yanco Battery Energy Storage System (BESS) on the grounds of serious legal, environmental, agricultural, and community risks that have not been lawfully or adequately assessed.

The Riverina is one of Australia's most productive agricultural regions, a cultural landscape of national significance, and a critical source of food security. To industrialise this landscape with a 250 MW / 1,100 MWh lithium-ion BESS — directly linked to the Yanco Delta Wind Farm — would expose the community and the environment to irreversible harms.

Our submission highlights failures in the Environmental Impact Statement (EIS), the Department's Assessment Report, and the Recommended Instrument of Determination. It demonstrates that the Yanco BESS:

- Breaches statutory requirements under the EPBC Act 1999 (Cth), Environmental Planning and Assessment Act 1979 (NSW), and other legislation.
- Presents unacceptable contamination, fire, and hazard risks.
- Provides no meaningful local benefit, serving instead as an arbitrage mechanism for foreign investors.
- Exacerbates community division, inequity, and procedural unfairness.

For these reasons, the **IPC must refuse consent**.

## 2. PFAS and Chemical Contamination Risks

As of 1 July 2025, the Commonwealth has banned the use, import, and manufacture of PFOS, PFOA, and PFHxS — PFAS compounds still present in lithium-ion batteries (PVDF binders, bis-FAS electrolytes). Fires, venting, or fire-water runoff from large-scale BESS facilities can release PFAS into air, soil, and waterways. These “forever chemicals” bioaccumulate, persist, and threaten food security.

The impact on agriculture is particularly serious. Meat & Livestock Australia's Integrity Systems Company (ISC) has already updated its Livestock Production Assurance (LPA) program to explicitly account for PFAS exposure risks from renewable energy infrastructure. This means:

- Livestock exposed to PFAS contamination may be rendered unsaleable for human consumption.

- Producers risk losing both domestic and export market access if PFAS residues are detected in meat or dairy.
- Accreditation bodies now require producers to record and manage contamination exposure, placing additional burdens on farmers while project proponents face no equivalent obligation.

For the Riverina — a nationally significant food bowl and irrigation district — even a single contamination event could devastate the beef, dairy, and cropping sectors. PFAS uptake is cumulative: once soil, pasture, or irrigation water is contaminated, the risk to human health and market access persists indefinitely.

The Yanco BESS Assessment Report and Recommended Conditions contain no PFAS-specific disclosure, monitoring, or containment requirements. To approve a PFAS-using project post-ban would expose the Commission, Council, and community to future liability of the highest order. It would also directly contradict the precautionary principle under the EPBC Act and breach Australia’s obligations under the Stockholm Convention.

This risk is not hypothetical. The red meat industry has already changed its accreditation rules in response to PFAS contamination from renewable energy infrastructure such as solar panels and wind turbine coatings. The IPC cannot dismiss PFAS as a remote or unproven issue — it is an immediate, regulated barrier to Australia’s clean food export markets.

### **3. Arbitrage and Market Failure**

The Yanco BESS is being promoted as providing “grid stability” and “reliability.” In reality, its primary business model is energy arbitrage — buying cheap electricity when prices are low or negative, then reselling it when prices peak. This does not provide a net benefit to local communities or food producers in the Riverina. It enriches offshore investors while embedding further volatility into the market.

#### **3.1 Admission of No Local Benefit – Meadows CAP Precedent**

At the Meadows Battery Energy Storage System (BESS) Council Assessment Panel hearing on 17 April 2025 in South Australia, a representative of ACEN Australia was directly asked what benefit a utility-scale BESS would deliver to the host community. His response: there was none. At best, he suggested it might provide “a bit of stability” for the grid.

This candid admission applies equally to Yanco. The reality is that projects of this scale are not designed to serve local energy users, landholders, or councils. They are designed to exploit market price spreads for profit.

#### **3.2 Arbitrage Does Not Equal Public Benefit**

Profits are captured offshore. ACEN is majority-owned by Ayala Corporation and foreign shareholders. Revenues from arbitrage flow to corporate investors, not Riverina farmers or towns.

Costs are socialised. Price volatility, network augmentation, and system security charges are borne by electricity consumers and taxpayers.

No direct connection to local loads. The BESS will not lower electricity bills for Leeton or Griffith residents; it will trade on the National Electricity Market (NEM) like any other speculative asset.

### **3.3 Scale Exacerbates Risk, Not Stability**

At 250 MW / 1,100 MWh, the Yanco BESS is significantly larger than the Meadows proposal. While its capacity magnifies potential profits, it also magnifies systemic risks: Sudden dispatch or withdrawal can destabilise local voltage and frequency. Arbitrage incentives encourage charging during low-price events (often midday solar surplus), then discharging into evening peaks — a cycle that does nothing to improve reliability for rural irrigation pumps, food processors, or households.

As the Australian Energy Regulator has warned, widespread reliance on arbitrage makes the system more volatile, not less.

### **3.4 Community Bears the Risk, Industry Takes the Reward**

Local farmers and residents shoulder the environmental risks (PFAS contamination, fire hazard, groundwater disruption), but none of the arbitrage profits. The Assessment Report contains no mechanism for community benefit-sharing, no reduced tariffs, and no infrastructure offsets.

This mismatch underscores the project's failure against the planning objective of serving the public interest under s 4.15 of the Environmental Planning and Assessment Act 1979 (NSW).

## **4. Fire, Hazard and Emergency Risks**

Utility-scale lithium-ion batteries present unique fire and hazard risks that escalate rapidly, generate toxic and explosive gases, and overwhelm conventional emergency response. The Yanco BESS assessment package fails to demonstrate that these risks have been credibly modelled, contained, or mitigated.

### **4.1 Missing UL 9540A Testing and NFPA Compliance**

Internationally recognised benchmarks require full-scale UL 9540A testing of the exact cell chemistry, module, rack, and enclosure to establish:

- Gas composition and volume during thermal runaway.
- Heat release rates and propagation potential.
- Effectiveness of containment and suppression measures.

No such validated testing has been disclosed for Yanco. Without it, the IPC cannot be satisfied that fire behaviour is understood, let alone controlled. This omission breaches the precautionary principle and NSW hazard guidelines (HIPAP 6).

The NFPA 855 Standard (2023) also mandates enforceable design and spacing criteria for battery installations, including ventilation, gas detection, and deflagration venting. These benchmarks have not been applied in enforceable conditions.

## 4.2 Firefighting Reality – Sand, Not Water

While the Assessment Report assumes water-based suppression, Australian and international practice demonstrates the opposite. With containerised lithium-ion BESS fires, frontline agencies typically:

- Do not attempt to extinguish the fire with water, as it is largely ineffective and produces toxic PFAS- and fluoride-laden firewater.
- Allow the container to burn out, using defensive tactics to protect exposures.
- In some cases, fill the container with sand or earth to smother the fire, while gases and particulates continue to vent.

This approach was adopted at the Victorian Big Battery fire (Moorabool, 2021), where CFA crews confirmed they let the battery container burn itself out. The same guidance followed the McMicken, Arizona (2020) and South Korean BESS fires (2017–20).

The IPC must therefore recognise that assurances of “adequate water supply” or “routine suppression” are misleading. In practice, communities will be left to endure toxic smoke, gas venting, and the risk of contamination while the fire is allowed to consume the installation.

## 4.3 Toxic Firewater and Groundwater Contamination

Even limited use of water to cool adjacent modules generates heavily contaminated firewater containing PFAS, fluoride salts, dissolved metals, and organics. The Yanco site lies in the Murrumbidgee catchment and is bordered by irrigation channels. Without engineered, impervious hardstand and containment basins sized to the credible worst case, contaminated firewater will infiltrate soils, groundwater, and irrigation systems.

## 4.4 Bushfire Interface and Rural Fire Service Limitations

The Riverina is a bushfire-prone landscape. The BESS would face risks from ember attack, radiant heat, and grid-fault-induced abnormal conditions. The proposal does not demonstrate:

- Asset protection zones compliant with Planning for Bush Fire Protection (NSW RFS, 2019).
- Hydrant flows and crew access geometry sufficient for safe suppression.
- Fail-safe shutdown and cooling capacity during bushfire conditions.
- Local brigades are volunteer-based and not equipped for high-energy BESS fires. To impose this burden without resourcing, training, and site-specific protocols is procedurally unfair and unlawful under WHS duties.

## 4.5 Meadows Precedent – Risk Downplayed

At the Meadows BESS CAP hearing (17 April 2025), ACEN representatives similarly downplayed hazard concerns, relying on generic management plans instead of quantified modelling. The parallels with Yanco are clear: proponents consistently minimise fire risks while failing to disclose critical data. This pattern of omission undermines public trust and regulatory integrity.

## 4.6 Legal Consequences

The absence of validated hazard modelling and enforceable design controls exposes any approval to judicial review for failure to consider mandatory relevant considerations, including:

- WHS Act 2011 (NSW), ss 19 & 27 (duty to minimise risks so far as reasonably practicable).
- Environmental Planning and Assessment Act 1979 (NSW), s 4.15 (requirement to consider site suitability and environmental risks).
- EPBC Act 1999 (Cth), s 3A(b) (precautionary principle).

## 4.7 Outcome

Given the absence of UL 9540A test data, reliance on defensive “burn-out” strategies, inadequate firewater containment, weak bushfire resilience, and reliance on unenforceable management plans, the Yanco BESS cannot be lawfully approved. To do so would expose the Riverina to unacceptable hazard and contamination risks while leaving first responders and the community unprotected.

## 5. Groundwater, Floodplain and Hydrological Risks

The Riverina is defined by water. Its soils, aquifers, irrigation channels and floodplains sustain one of Australia’s most important agricultural regions. Any contamination from the Yanco BESS would not remain localised — it would spread through irrigation networks, accumulate in crops and livestock, and ultimately enter human food supplies.

### 5.1 Floodplain Vulnerability

The Yanco site lies within the Murrumbidgee catchment, less than 3.5 km from the river at its closest point, and is bounded by irrigation channels, including one directly along the northern boundary on Houghton Road. Despite this, the EIS failed to provide site-specific hydrogeological modelling, contrary to the Secretary’s Environmental Assessment Requirements (SEARs).

This omission leaves decision-makers blind to contamination pathways in a known flood-prone landscape. Extreme rainfall events, exacerbated by climate variability, create credible scenarios where floodwater could mobilise stored contaminants across agricultural land and into the Murray–Darling Basin system.

### 5.2 Firewater and Runoff Contamination

Even if direct flooding were avoided, firefighting runoff or cooling water from a thermal runaway event would generate large volumes of contaminated effluent. Firewater from lithium-ion BESS contains:

- PFAS residues (from binders and electrolytes).
- Hydrofluoric acid and fluoride salts.
- Dissolved heavy metals such as cobalt, nickel, and manganese.
- Organic solvents and plastics decomposition by-products.

Without engineered, impervious hardstand and containment basins sized to the credible worst-case scenario, this toxic mixture would infiltrate soils, irrigation channels, and aquifers. The EIS contains no enforceable design demonstrating capture or treatment capacity.

### **5.3 Irrigation Network as Contamination Pathway**

The Riverina's highly interconnected irrigation network means that once toxins enter one channel, they can be distributed widely across cropping land. This is not a remote risk:

- Past PFAS contamination at Williamtown (NSW) and Oakey (QLD) spread rapidly through groundwater and surface water, leading to bans on stock grazing, produce sales, and fishing.
- The same outcome in the Riverina would devastate rice, citrus, viticulture, dairy, and beef operations that depend on clean irrigation water.

Given that Meat & Livestock Australia's Integrity Systems already treat PFAS exposure as grounds for exclusion from the supply chain, even suspicion of contamination could lock producers out of markets.

### **5.4 Precautionary Principle and Statutory Duties**

Failure to model and mitigate groundwater risks breaches:

- The precautionary principle under the EPBC Act 1999 (Cth), s 3A(b).
- The Environmental Planning and Assessment Act 1979 (NSW), s 4.15(1)(b) (site suitability, environmental impact).
- The Water Management Act 2000 (NSW), which requires protection of water sources.

### **5.5 Outcome**

Approval of the Yanco BESS in this context would effectively license the poisoning of the Murray–Darling Basin — the heart of Australia's food security. Once contaminants reach soil and water, remediation is impossible within human timescales.

The IPC must recognise that this project represents not a speculative but a certain contamination pathway if an incident occurs. The only lawful application of the precautionary principle is refusal of consent.

## **6. Decommissioning and Liability Failures**

Unlike mining projects, renewable and BESS developments in NSW are not required to post secured decommissioning bonds. The Yanco BESS conditions merely require infrastructure removal within 18 months of ceasing operation. This is unenforceable if the proponent becomes insolvent or withdraws. The dismantling and safe disposal of a 1,100 MWh lithium-ion BESS will cost hundreds of millions of dollars.

Evidence from Crookwell and Windy Hill (Australia), and GAO reports (USA), show that abandoned renewable infrastructure is already a recurring problem. Industry assurances of decommissioning are not matched by enforceable obligations. PFAS, heavy metals, and

degraded materials left in soil and groundwater cannot be remediated. Without secured bonds, Riverina landholders and taxpayers will carry this burden — a permanent toxic legacy inconsistent with principles of intergenerational equity and environmental justice.

## **6.1 Lack of Financial Assurance**

Mining, waste, and petroleum projects in NSW are legally required to post financial assurance to ensure rehabilitation. No equivalent mechanism exists for BESS projects. This gap leaves landholders exposed to significant liabilities.

## **6.2 Decommissioning Cost Magnitude**

A 1,100 MWh BESS involves tens of thousands of lithium-ion modules, kilometres of HV cabling, contaminated concrete pads, and associated balance-of-plant. The cost of dismantling, transport, recycling, and disposal will exceed hundreds of millions. Without a secured fund, insolvency would transfer this burden to landholders or the state.

## **6.3 International Precedent**

The US Government Accountability Office has documented abandoned renewable assets where decommissioning costs vastly exceeded reserves. The same problem is emerging in Australia: Crookwell Wind Farm and Windy Hill both left unresolved remediation issues. Lithium-ion BESS, with embedded PFAS and heavy metals, amplify this problem.

## **6.4 Intergenerational Equity**

Leaving unresolved contamination or stranded infrastructure in the Riverina would impose costs on future generations. This breaches the principle of intergenerational equity under the EPBC Act 1999 (Cth) and undermines community trust in government regulation.

## **6.5 Outcome**

Without secured decommissioning bonds lodged prior to construction, approval of the Yanco BESS would guarantee future liability for landholders and taxpayers. The IPC must require financial assurance equivalent to mining standards, or refuse consent outright.

## **7. Community, Procedural Fairness and Social Division**

The Yanco BESS has already fractured the Riverina community. While a handful of host landholders stand to receive lease payments, the overwhelming majority of neighbours, Indigenous custodians, and regional food producers face uncompensated risks of fire, contamination, and land devaluation. This inequity has been compounded by a flawed consultation process and misleading narratives of community support.

### **7.1 Inequity Between Host and Non-Host Landholders**

Host landholders receive direct financial inducements, while non-hosts shoulder the externalised burdens — toxic risk, reduced amenity, and falling property values. This

dynamic erodes neighbourly trust in a farming region where cooperative irrigation, cropping, and livestock management have long depended on community cohesion.

## **7.2 Exclusion from Genuine Consultation**

Despite statutory obligations under the Environmental Planning and Assessment Act 1979 (NSW) and the SEARs, consultation was confined largely to host landholders and select agencies. Neighbouring farmers, Traditional Custodians, and rural residents were sidelined. Technical documents spanned thousands of pages and were exhibited during peak agricultural seasons, making effective participation impossible. This process amounts to procedural unfairness and denial of natural justice.

## **7.3 Astroturfing and Manufactured Support**

Proponents have sought to create an impression of local support through:

- Sponsorship of community groups and sporting clubs.
- Consultant-driven “drop-in sessions” framed as information, not consultation.
- Form submissions drafted to simulate grassroots backing.

These are textbook astroturfing tactics. The reality is evident in the more than 60 unique objections lodged against Yanco BESS — a strong figure for a sparsely populated farming district. Genuine opposition has been dismissed, while manufactured support has been amplified.

## **7.4 Social Division and Mental Health Impacts**

The inequitable distribution of risks and benefits has fractured families and communities. Evidence from Ontario (wind turbine rollouts) and Bulga, NSW (coal expansion) shows how forced industrialisation of rural landscapes causes prolonged conflict, stress, and mental health decline. In the Riverina, farmers now face impossible choices: host toxic infrastructure and compromise agricultural land, or refuse and still suffer contamination from neighbouring sites.

## **7.5 Impacts on Indigenous Custodians and Cultural Values**

The Riverina contains sites of cultural and spiritual significance to the Wiradjuri people. Yet the assessment relied heavily on desktop studies and perfunctory consultation. This undermines reconciliation and breaches statutory duties under the Aboriginal Cultural Heritage Act 2022 (NSW). Excluding Traditional Custodians from meaningful decision-making denies them procedural fairness and strips the project of legitimacy.

## **7.6 Legal and Policy Breaches**

By privileging host landholder interests, excluding Indigenous voices, and accepting astroturfed support, the process breaches:

- Environmental Planning and Assessment Act 1979 (NSW) — duty to consider public submissions genuinely.
- Aboriginal Cultural Heritage Act 2022 (NSW) — requirement to protect cultural heritage and consult Traditional Custodians.

- Local Government Act 1993 (NSW) — principles of fairness and equity in decisions affecting communities.
- EPBC Act 1999 (Cth), s 3A(a) — intergenerational equity, undermined by community division and exposure of future generations to contamination and social harm.

**Outcome:** The Yanco BESS has not been subject to a fair or inclusive process. It privileges a narrow set of financial interests, excludes those most at risk, and fuels deep social division. To approve the project in this context would be legally and socially indefensible.

## 8. Legal and Statutory Breaches

The Yanco BESS proposal cannot be lawfully approved. It breaches multiple Commonwealth and NSW statutes, ignores mandatory considerations, and exposes the consent authority to judicial review for jurisdictional error.

### 8.1 Breaches of the EPBC Act 1999 (Cth)

- Cumulative Impacts (s 136(2)(e)) — The proposal was assessed in isolation, despite its functional integration with the Yanco Delta Wind Farm and proximity to numerous other renewable projects. The failure to evaluate cumulative impacts is a breach of s 136(2)(e).
- Precautionary Principle (s 3A(b)) — By ignoring PFAS risks, uncontained firewater, and groundwater vulnerability, the assessment fails to apply the precautionary principle.
- Matters of National Environmental Significance (ss 18 & 20) — The project threatens habitat for the superb parrot and southern bell frog, both EPBC-listed species. It also lies within the Murray–Darling Basin, a nationally significant water resource. No adequate MNES surveys or cumulative impact modelling have been provided.

### 8.2 Breaches of the Environmental Planning and Assessment Act 1979 (NSW)

Section 4.15 requires the IPC to consider:

- Environmental impacts (s 4.15(1)(b)).
- Site suitability (s 4.15(1)(c)).
- Public submissions (s 4.15(1)(d)).
- The public interest (s 4.15(1)(e)).

The Yanco assessment fails on all four grounds: it omits contamination modelling, ignores site floodplain vulnerability, dismisses community submissions, and privileges corporate interests over public benefit.

### 8.3 Breaches of the Biodiversity Conservation Act 2016 (NSW)

The BC Act was designed to prevent biodiversity decline. Independent statutory reviews (2023) have already found it is failing. The Yanco BESS amplifies this failure: no cumulative biodiversity modelling has been provided, offsets are misapplied, and PFAS contamination pathways are excluded. This breaches the intent and the text of the Act.

## **8.4 Breaches of the Contaminated Land Management Act 1997 (NSW)**

By omitting PFAS inventories and contamination pathways, the EIS frustrates the statutory scheme for identification and management of contaminated land. This is not an administrative oversight but a structural omission that makes lawful approval impossible.

## **8.5 Breaches of the Water Management Act 2000 (NSW)**

The Act requires protection of water sources. The failure to model firewater runoff, aquifer contamination, or irrigation network pathways is a breach of these obligations, particularly given the site's location within the flood-prone Murrumbidgee catchment.

## **8.6 Breaches of the Work Health and Safety Act 2011 (NSW)**

Under ss 19 & 27, persons conducting a business or undertaking must eliminate or minimise risks so far as reasonably practicable. Without UL 9540A test data, deflagration modelling, or validated suppression systems, the project fails this duty. It exposes firefighters, workers, and neighbouring landholders to intolerable risks.

## **8.7 Breaches of the Aboriginal Cultural Heritage Act 2022 (NSW)**

Meaningful consultation with Traditional Custodians has not occurred. Reliance on desktop studies and token engagement contravenes statutory requirements and undermines reconciliation efforts.

## **8.8 Breach of International Obligations**

- Stockholm Convention on Persistent Organic Pollutants (2001) — Australia has committed to phase out PFAS. Approving a PFAS-embedded BESS contravenes this treaty.
- JAMBA, CAMBA, ROKAMBA migratory bird agreements — The Riverina is a recognised inland flyway. Failure to assess impacts on migratory species breaches Australia's treaty obligations.
- WTO Sanitary and Phytosanitary Agreement — PFAS contamination of Riverina produce would invite trade restrictions, exposing the Commonwealth to international disputes.

**Outcome:** The Yanco BESS breaches every major statutory and treaty framework relevant to its approval. Any consent would be unlawful, procedurally invalid, and open to challenge in the NSW Land and Environment Court or the Federal Court of Australia.

## **9. Cumulative Industrialisation of the Riverina**

The Yanco BESS is not an isolated development. It is part of a cluster of industrial-scale renewable and storage projects imposed across the Riverina under the NSW Renewable Energy Zone framework. When considered together, these projects represent the wholesale industrialisation of one of Australia's most productive food-producing landscapes.

## 9.1 Failure of Piecemeal Assessment

The Department has treated Yanco BESS in isolation. This piecemeal approach conceals the combined footprint of multiple solar farms, BESS facilities, and wind projects in the region. SEARs (2024) required cumulative assessment of biodiversity, hydrology, hazards, traffic, and social impacts. None has been provided.

## 9.2 Agricultural Footprint and Food Security Risks

The Riverina is not marginal or degraded land. It is prime farmland producing rice, wheat, canola, citrus, wine grapes, beef, and dairy. Cumulative industrialisation across this landscape risks:

- Permanent loss of productive land to pads, easements, and access roads.
- Spread of PFAS and firewater contamination through the shared irrigation network.
- Exclusion of livestock or crops from markets due to even suspected contamination under MLA's Integrity Systems.
- The transformation of this region from food bowl to energy zone undermines national food security.

## 9.3 Landscape-Scale Hazard Multiplication

Each BESS introduces a distinct hazard profile. When multiple BESS are sited within tens of kilometres of each other, hazards multiply:

- A single bushfire event could simultaneously threaten multiple sites.
- Toxic smoke plumes could overlap, exposing whole towns and agricultural zones.
- Volunteer firefighting resources would be overwhelmed, leaving communities defenceless.
- No modelling of these foreseeable scenarios has been presented.

## 9.4 Precedent of Industrialisation by Stealth

By segmenting assessments, government and industry are engaging in industrialisation by stealth. Each project is downplayed as minor, yet together they transform the landscape into an industrial corridor. This tactic undermines public trust and breaches statutory duties of cumulative assessment.

## 9.5 Statutory Breaches

Failure to conduct cumulative analysis breaches:

- EPBC Act 1999 (Cth), s 136(2)(e) — requirement to consider combined impacts.
- Environmental Planning and Assessment Act 1979 (NSW), s 4.15 — duty to consider environmental impacts and site suitability.
- SEARs (2024) — mandatory requirement to assess cumulative impacts in biodiversity, hydrology, hazards, and community domains.

The density of nearby projects is set out in Annexure A. This list demonstrates that Yanco BESS sits within a cluster of BESS, solar, and wind developments concentrated around the Murrumbidgee River and its irrigation network. The omission of a cumulative contamination and hazard analysis — focusing instead on narrow “visual amenity” claims

— is a direct breach of statutory duties under the EPBC Act, Environmental Planning and Assessment Act, and SEARs (2024).

## 9.6 Outcome

The IPC cannot lawfully assess Yanco BESS in isolation. Approval without a cumulative impact study would entrench industrialisation by stealth of the Riverina, jeopardise Australia’s food security, and expose the Commission to judicial review for jurisdictional error.

## 10. Conclusion

The Riverina is not expendable. It is the backbone of Australia’s food security, a cultural landscape of national significance, and the foundation of livelihoods for generations of farming families. The proposed Yanco BESS would impose unacceptable and irreversible risks upon this region.

The evidence before the Commission is overwhelming:

- PFAS contamination would render crops and livestock unsaleable under Meat & Livestock Australia’s Integrity Systems rules.
- Fire and hazard risks are unmanageable — no UL 9540A data, reliance on “burn-out” strategies, inadequate firewater containment.
- Groundwater and floodplain vulnerability make contamination pathways certain, not speculative.
- Decommissioning failures leave taxpayers and landholders exposed to abandoned toxic infrastructure.
- Cumulative impacts represent industrialisation by stealth of the Riverina food bowl.
- Community division and procedural unfairness undermine equity and trust.
- Statutory breaches across Commonwealth, NSW, and international frameworks leave any approval vulnerable to judicial review.

Outcome: On this record, there is only one lawful and rational decision available:

### **The Yanco Battery Energy Storage System (SSD-67478479) must be refused.**

If, despite these failures, approval were contemplated, the Commission must at minimum impose strict, enforceable conditions, including:

- Full disclosure of PFAS content and binding monitoring regimes.
- Independent UL 9540A fire testing of the exact battery chemistry.
- Secured decommissioning bonds lodged prior to construction.
- Legally binding community benefit-sharing mechanisms to offset inequity.

## **Annexure A – Cumulative Projects within 70 km of Yanco BESS**

The Yanco BESS cannot be assessed in isolation. It sits within a dense cluster of utility-scale energy projects in the Riverina. When considered together, these projects represent the wholesale industrialisation of an intensively farmed, flood-prone, and irrigation-dependent landscape.

<b>Project</b>	<b>Location</b>	<b>Distance from Yanco BESS</b>
<b>Comet Park BESS</b>	44 River Road, Yanco	~200 m south
<b>Ronfeldt Rd BESS</b>	649 Ronfeldt Road, Yanco	8.1 km
<b>Origin – Yanco Solar Farm</b>	249–385 Toorak Road, Leeton	7.9 km NW
<b>Casella Family Brands – Sun Central Solar</b>	Yenda	8.3 km
<b>Clean Peak Energy – Leeton Solar (ex Photon Energy)</b>	176 Fivebough Road, Leeton	10.6 km
<b>Clean Peak Energy – Fivebough Solar</b>	176 Fivebough Road, Leeton	10.9 km
<b>Devlins Bridge Wind Farm</b>	Southwest of Yanco	14–20 km
<b>Edify/Octopus – Darlington Point Solar Farm</b>	Darlington Point	48 km
<b>Edify – Riverina BESS</b>	Darlington Point	48 km
<b>Iberdrola – Avonlie Solar Farm</b>	Sandigo	50 km
<b>Neoen – Griffith Solar Farm</b>	Griffith	56 km
<b>EKU Energy – Griffith BESS</b>	Griffith	~60 km
<b>Neoen – Coleambally Solar Farm</b>	Coleambally	61 km
<b>Risen Energy – Coleambally BESS</b>	Coleambally	61 km
<b>RES / Aula Energy – Argoon Wind Farm</b>	Argoon	63 km
<b>Origin – Yanco Delta Wind Farm</b>		70 km
<b>Murrumbidgee River (reference point)</b>	South of Yanco site	3.2–4.6 km

**Note:** Distances are approximate, based on project documentation and available mapping. Importantly, while proponents often reduce “cumulative impact” to visual amenity, the critical risk in the Riverina context is cumulative **toxic contamination** of the Murrumbidgee River system and interconnected irrigation network. A single contamination event at any one project site could spread through shared hydrology, impacting farmland and communities far downstream (including through to Hay).