New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: KINGSWOOD BATTERY ENERGY STORAGE SYSTEM (SSD-63207219)

DEPARTMENT MEETING

PANEL:	MICHAEL CHILCOTT (Chair) ELIZABETH TAYLOR
OFFICE OF THE IPC:	GEOFF KWOK TAHLIA HUTCHINSON
DEPARTMENT OF PLANNING, HOUSING & INFRASTRUCTURE:	CHRIS RITCHIE SHANNON BLACKMORE PRAGYA MATHEMA
LOCATION:	ZOOM VIDEOCONFERENCE
DATE:	10:00AM – 11:00AM THURSDAY, 29th JANUARY 2026

<THE MEETING COMMENCED

[Audio gap until 00:00:24]

MR MICHAEL CHILCOTT: Mr Ritchie and team, good morning.

MR CHRIS RITCHIE: Good morning, Commissioner. How are you all this morning?

MR CHILCOTT: Fine, thank you, I hope it is the same for you. Is everybody on your team present? I think I see three and I'm expecting three, is that right?

MR RITCHIE: Yes, there should be Julia, Pragya and myself.

MR CHILCOTT: All right. You're right to proceed?

MR RITCHIE: Yes, we're ready to go.

MR CHILCOTT: All right, thanks. Well, let's commence. I'll just start by going through my opening statement, if that's okay. I welcome you to this meeting to discuss the Kingswood Battery Energy Storage System, which is state significant development application reference SSD-63207219, which is currently before the Commission for determination.

My name is Michael Chilcott. I am the Chair of this Commission Panel, and I'm joined today by my fellow panel member, Commissioner Elizabeth Taylor. Elizabeth and I are joined also by Geoff Kwok and Tahlia Hutchinson from the office of the Independent Planning Commission.

I'd like to acknowledge that I am speaking to you today from the Blue Mountains, which is Dharug and Gundungurra country, and I acknowledge the traditional owners of the lands from which we all meet today and pay my respects to Elders past and present.

The Applicant in this matter – and I hope I get this pronunciation correctly, perhaps you can correct me if I don't – Iberdrola Australia Development Pty Ltd, which is a subsidiary of Iberdrola Australia Limited, proposes to develop a 270-megawatt/1,080-megawatt hour battery energy storage system located approximately 6 kilometres southeast of Tamworth and in the Tamworth regional local government area.

In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript of the meeting will be produced and made available on the Commission's website.

The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

As you'd anticipated, it's likely that we, the commissioners, will ask questions of attendees to clarify issues whenever it's considered appropriate. If you're asked a question and you are not in a position to answer that question today, you may take the question on notice. And then following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers requires a formal response. Any subsequent response to information provided, or, sorry, information provided to the Commission will then be published on our website.

During the meeting, I ask that the participants introduce themselves before speaking for the first time, and I'd invite all of you to ensure that you don't speak over the top of one another so as to ensure the accuracy of the transcript.

Thank you, and let's begin the meeting. You've seen the proposed agenda that was put forward today's meeting. Are you comfortable following that agenda?

MR RITCHIE: Yes, thank you. So, Chris Ritchie, I'm the Acting Executive Director in the Department. So, we have a presentation to walk the Commission through, and it follows that agenda. And as we walk through that assessment, we're happy to answer and take any questions as we go, or to run through any particular questions the Commission has towards the end. So, we're in your hands in that regard.

So, Shannon Blackmore is going to run through that presentation. She's currently the Acting Director in the BESS and Solar Team, and we're going to run through aspects of our assessment, and some of the agenda items that you've mentioned we're going to walk through in terms of our assessment findings. And as mentioned, we're happy to answer questions as we go or have those questions at the end from the Commission.

MR CHILCOTT: Thank you. And Ms Blackmore, I turn over to you, but as you go through, perhaps as you go through relevant sort of headline sections, if you'd pause and just provide us with an opportunity if at that point we may want to ask some point of clarification. But we'll try and let you run through sections comfortably before we sort of jump in, just to get your material on the table and ensure that you haven't already answered our questions before we try and seek to express them.

MS SHANNON BLACKMORE: Excellent.

MR CHILCOTT: Thanks, Ms Blackmore. Please go ahead.

MS BLACKMORE: Pragya, are you able to share the presentation, please?

Thank you, Chair, and good morning. My name is Shannon Blackmore, Acting Director, Energy Assessments at the NSW Department of Planning, Housing and Infrastructure. I would also like to acknowledge the traditional custodians of the land on which we all join today's meeting. I would like to pay my respects to their Elders past and present and extend that respect to any Aboriginal and Torres Strait Islander people here today.

Next slide, please. I will provide a brief overview of the key assessment issues identified in the Assessment Report and those in the Commission's agenda. And in particular, the key reasons for the Department's recommendation that the Commission approve the project.

Next slide, please. Before I dive into the assessment issues, it's important to provide some strategic context about the proposal in relation to its location and access to the electricity network. Noting that all coal-fired power plants in New South Wales are scheduled for closure in the next 15 to 20 years, the project would assist in supporting the transition away from traditional power generation and towards renewable energy generation by providing a firming capacity to smooth out peaks and troughs in renewable generation.

The Department considers that the project is consistent with the relevant national, state and local policy documents which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid, while also providing energy security and reliability.

There are additional considerations from the regional context that the project site would benefit from. These include: the site has direct access to the electricity network, with two existing 330-kilovolt transmission lines that traverse the western and central parts of the project site and connect to Transgrid's existing 330-kV Tamworth Substation located approximately 800 metres to the northwest of the proposed on-site substation.

The site is in proximity to the state road network located approximately 2.3 kilometres from the New England Highway, referred to as Goonoo Goonoo Road. The site is located on land that is not mapped as Biophysical Strategic Agricultural Land (that is, BSAL land) and is on land that has a land and soil capability class of 4 and 5, which is defined as land that has moderate to severe limitations.

With the implementation of the proposed mitigation measures and recommended conditions of consent, there are no significant visual impacts and noise impacts on residences. There are limited biodiversity impacts and no heritage impacts.

The project would provide flow-on benefits to the local community, including up to 100 construction jobs, 2 operational jobs, and contributions to Council. There would be broader benefits to the state through an injection of approximately $458 million in capital investment into the New South Wales economy.

Next slide, please. The Department exhibited the EIS from July to August 2024 and received 68 unique public submissions, consisting of 67 objections and 1 in support. The most common matters raised in public objections were: hazards, including fire risk and contamination; economic impacts, including private devaluation; noise impacts; and traffic impacts, including road quality.

Within 5 kilometres of the site, 34 objections and 1 in support submission was received. The remaining 33 objections were received from more than 5 kilometres

from the site, with 23 of those objections from over 50 kilometres of the safety and 4 objections from interstate.

Throughout the assessment process, the Department sought advice from 11 government agencies in addition to Tamworth Regional Council, visited the site and met with five landholders.

I'll pause for any questions.

MR CHILCOTT: I'm fine. Elizabeth, all good?

MS BLACKMORE: Next slide, please.

MR CHILCOTT: Thank you.

MS BLACKMORE: I'm now going to talk about what we found to be the key areas for assessment and the matters identified in the Commission's agenda.

Next slide, please. The project aligned with a range of national 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. The project is in an area with access to the transmission network and available capacity. Battery energy storage is permissible on the land with development consent under the Transport and Infrastructure SEPP, and section 4.4383 of the EP&A Act.

The project has a delivery capacity of 270 megawatts and a storage capacity of 1,080 megawatt hours, which would provide enough energy to supply 108,000 homes at peak demand. Battery storage is consistent with the NSW Climate Change Policy Framework of achieving net zero emissions by 2050.

Next slide, please. Twenty-three public submissions raised concern about potential noise impacts. Iberdrola's Noise and Vibration Impact Assessment (the NVIA) identified 36 non-associated potentially impacted receivers. R2 is the closest receiver and is located approximately 220 metres from the development footprint and approximately 300 metres from the BESS facility area.

Construction noise sources would originate from the use of plant and equipment on site. The Department notes that construction noise was assessed under a worst-case scenario where all plant and equipment are operating for each corresponding construction stage. In practice, construction activities would take place at variable distances from sensitive receivers.

The assessment demonstrated that noise generated by construction of the BESS during standard hours is predicted to be below the highly noise affected criteria of 75 dBA under the NSW – sorry, under the EPA's Interim Construction Noise Guideline (the ICNG) at all surrounding residences.

During clearing and bulk earthworks, which are the noisiest construction activities, construction noise levels are expected to exceed the noise management level (the NML) criterion of 45 dBA for a number of surrounding residences, depending on which transmission connection option is selected. For option 1, which would involve above and/or below ground transmission connection, construction noise levels are predicted to exceed the NML at 36 non-associated receivers by 1 to 18 dBA.

For option 2, which involves an underground-only cable connection, construction noise levels are predicted to exceed the NML at 27 non-associated residential receivers by 1 to 12 dBA.

For option 3, which would involve direct connection to an existing overhead transmission line, construction noise levels are predicted to exceed the NLM at 36 non-associated residential receivers by 3 to 20 dBA.

Construction of the noisiest activities would last less than three weeks in locations that may affect nearby sensitive receivers. When noise levels are predicted to exceed the NMLs, Iberdrola would implement reasonable and feasible mitigation measures for affected receivers in accordance with the ICNG.

Cumulative construction noise may be experienced by receivers if Kingswood BESS is constructed concurrently with Tamworth BESS which has had its EIS lodged and exhibited, and Calala BESS which is approved and currently under construction. In a worst-case scenario, the cumulative construction noise levels are predicted to be between 51 to 68 dBA. No receivers would exceed the highly noise affected criterion of 75 dBA.

Iberdrola has committed to a range of noise mitigation measures in line with best practice requirements outlined in the ICNG, including prior notification to potentially affected receivers, and a noise monitoring program. Iberdrola has also committed to updating and implementing the draft Construction Noise and Vibration Management Plan provided with the EIS.

The Department considers construction noise impacts at surrounding receivers for the project can be managed, noting that construction would be limited to daytime hours. The impacts at receivers would be limited to three weeks or less during each construction phase. And the recommended conditions of consent include adherence to the ICNG best practice requirements to minimise construction noise.

Next slide, please.

MR CHILCOTT: Can you pause there, Ms Blackmore, or are you further talking about noise?

MS BLACKMORE: I was going to move onto operational noise, but if you have queries on construction noise, we can pause here.

MR CHILCOTT: Yes. Just in terms of those standard mitigation measures. I mean, you specifically mentioned notification, which I guess gives them the opportunity move away. But are there particular noise mitigation measures beyond that that are identified? I know that you talked about consistent with best practice, but are you proposing any specifically, such as particular dedicated respite hours and so forth?

MS BLACKMORE: It would be as per the ICNG, which does prescribe certain measures based on the level of impact. But the first point of call will always be look to reduce those impacts initially, so staging construction activities to minimise impacts etc.

MR CHILCOTT: Okay. And so, the various options and recommendations made in the policy, nothing that binds the Applicant, in my understanding, is that correct, or have you identified certain elements within the policy that will bind the Application or just here's a series of options. And if there are reasonable and feasible options, would they not have been identified in the process of preparing the assessment?

MS BLACKMORE: We'll take that on notice. Iberdrola did identify a number of specific mitigations in their commitments for the project, which we'll have to provide on notice to yourselves.

MR CHILCOTT: Thank you, I'd just like to get some clarity on the record on those, and that's fine. Thank you.

MR RITCHIE: And we can come back, Commissioner. I think, generally, there's probably three broad approaches. One is you can look at the at-source mitigation, so you can look at shrouding, you can look at some form of screening. Or you can look at property mitigation. Or, as we've kind of mentioned in this presentation, often the key is around that consultation, to give forewarning to identify, as you correctly say, any opportunities for respite provisions.

And I think what the assessment has kind of landed on is that the level of impact, even though it says 45, it's relatively low. It's not uncommon for most projects, as you would be aware, that construction noise generally would go above some of those noise management levels, whether it's in metropolitan areas or rural areas, it's pretty a regular occurrence.

And I think the issue here is what we're also outlining. It is relatively short term, that real peak, where we do get some high numbers is quite limited to that three-week period. And often that's what we call transient, so that three weeks can actually change in terms of the impact at the receiver as that work progresses in a particular direction. So, it is relatively short term.

The issues that you've raised, we can go away and look at that in a bit more detail and provide a bit more information. But there's those three elements: on-site, at-source, or a way of communicating to engage and make sure there are respites available.

MR CHILCOTT: No, thanks Mr Ritchie, I guess my question was prompted by, I think, Ms Blackmore's presentation referred to the Applicant having considered reasonable and feasible options. I was just trying to probe beyond the generality as to what those specifically may be. And it may be the Applicant in its meeting with us goes to some of those and I might put those questions directly to them. But I'd be grateful for any advice formally from the Department. We'll note it as one of our questions on notice. Thank you.

Thanks, Ms Blackmore.

MS BLACKMORE: Next slide please, Pragya. The project design includes mitigation measures in the form of noise walls between 5 and 8 metres in height around the BESS facility area, and 3 metres in height around the HV transformer, and orientation of the battery enclosures to minimise noise impacts. Iberdrola has also committed to limitation of fan speeds to achieve compliance.

With the proposed mitigation measures, operational noise exceedances of the project trigger levels under the Noise Policy for Industry (the NPFI) are only predicted to occur at a small number of occasions at four resident receivers, being R2, R3, R9 and R16. Under a combination of adverse meteorological conditions and extremely high operating conditions, that would be expected to be present for no more than 10% of a season.

Under the rare meteorological and temperature conditions, exceedances of project trigger levels would be limited to no more than 5 dBA during daytime periods and 3 dBA during evening periods. There would be no exceedances during night-time periods.

In accordance with the NPFI, the residual impacts are characterised as marginal to moderate. On balance, the exceedances are considered acceptable as residual noise impacts are limited to the day and evening periods and are outweighed by the significant public benefit of the BESS. The BESS would provide critical grid stability, a function that is particularly vital during heatwaves, supporting energy security and system resilience. It is during these periods that any potential noise exceedances may occur.

As extreme weather and temperature conditions are uncommon, the Department considers that noise levels are expected to remain below the recommended rural amenity criteria. Nevertheless, to further minimise potential noise impacts during periods of unusually high temperatures, the Department has established separate criteria for typical and non-typical operating conditions. These criteria represent the lowest value of the intrusiveness or amenity noise level as prescribed under the NPFI, with a small relaxation for high operating temperatures.

The Department has recommended a condition requiring Iberdrola to provide, on request, receiver-based architectural treatments to all properties predicted to or demonstrated to exceed operational project trigger noise levels for more than 10% of any season.

Iberdrola has identified the raising the height of noise walls on the southern extent of the battery enclosure could further reduce noise impacts to R9 and R16 and has committed to optimising the heights of the noise walls during detailed design, in accordance with the worst-case visual impact scenario assessed in the EIS.

To provide certainty, the Department has also recommended a condition mandating design verification prior to the commencement of construction. This verification process would ensure that detailed design incorporates any additional controls necessary to achieve compliance. The Department has further recommended conditions requiring Iberdrola to implement best practice source noise control to minimise operational noise and preparation of a Noise Monitoring Report once the BESS is operational, to verify its performance against the criteria and implement further potential contingencies should exceedances be identified.

The NVIA included a conservative assessment of cumulative operational noise impacts, based on high-level assumptions of the Tamworth BESS and the NVIA for the Calala BESS. The assessment identified potential noise exceedances of up to 2 dBA under rare worst-case meteorological conditions. The assessment concluded that these exceedances would be imperceptible, and actual impacts are expected to be lower, given prevailing winds and project commitments to further mitigate noise impacts through project design and operational controls.

Road traffic noise during construction and operation would comply with the relevant criteria in the EPA's Road Noise Policy. No vibration impacts are predicted at any receivers during construction or operation, based on the separation distances to the nearest non-associated receivers.

I'll pause there.

PROF ELIZABETH TAYLOR: Could I ask a question at this point regarding …

MR CHILCOTT: Yes please, Elizabeth.

PROF TAYLOR: … the statement that unless the Planning Secretary agrees otherwise, that those conditions that you have just outlined will be implemented. Do you see that there is a need for that, or what impact that might have on confidence of the community regarding the protection of their interests around noise?

MR CHILCOTT: Mr Ritchie, I'm not sure whether it's you or Ms Blackmore who should respond to that.

MR RITCHIE: Yes, I'll just probably, Commissioner Taylor, the key here is that the limits will apply in those different scenarios. So, in terms of some of that discretion, I'm just sort of checking the conditions myself, but it's often around, say, construction hours or if they want to construct outside dedicated areas all times. But in terms of the noise limits they, as I mentioned before which is outlined in B24 table 2, those limits apply in those particular scenarios. So, that's the noise criteria that would be applying.

In terms of the discretion – I'm just trying to find the condition, you might, Shannon, too. Oh, I see it below –

PROF TAYLOR: B26, for example, "Unless the Planning Secretary agrees otherwise, the Design Noise Verification Report must be prepared by a suitably qualified and experienced acoustic consultant." I wouldn't have thought that the Secretary would necessarily want a requirement to not give that appointment to someone. It's just the way it is written is perhaps …

MR RITCHIE: I can probably clarify that for you. So, first of all, the way the condition in B26 and B27 –

PROF TAYLOR: And B27.

MR RITCHIE: – are structured, the intent is those conditions will need to be satisfied. So, what the wording of the provision for "Unless the Planning Secretary agrees otherwise," is more about granular-ness, for want of a better word, in the subclauses below. So, sometimes when you draft a condition, it can be quite prescriptive but there might be something we haven't quite contemplated. It just allows a little bit of inherent flexibility in there.

But definitely the intent for the conditions is the design verification will need to be done. And in terms of that post-operational monitoring, it will be done. It's just, if you make things very black and white in there, it's very difficult, if there's something we didn't expect that comes up. So, it's just a way of allowing some form of a tweak or a difference in terms of maybe some of the things identified in, say, B24, to be fleshed out and for us to make a decision that that is still is appropriate and acceptable in terms of what the intent of that condition is.

PROF TAYLOR: Look, I really appreciate where you're coming from. It's just perhaps we could think about wording that perhaps gives more confidence to the average reader regarding the fact that that would not lead necessarily to a watering down of the intent, and it is expected to be there – well, necessary to be there for, as you say, black and white makes it very difficult to operationalise. So, anyway, I'm just raising that as a concern I had as an average reader.

MR RITCHIE: I understand.

MR CHILCOTT: I mean, it's probably just the place whether that phrase [unintelligible 00:25:37] at the beginning, which then means it captures the entire condition and not simply the subsections to which the intent is it might apply.

That is, it's not intended, if I understand you, Mr Ritchie, that somebody other than an accredited acoustic person would undertake the work. That's not the intent, to give the Planning Secretary that discretion to say, well, somebody without the qualification could do the report. So, it's just a placement of that phrase to get it more accurately applying to the appropriate bits.

PROF TAYLOR: Just to give you an idea of where our thinking is anyway.

MR RITCHIE: I understand. And just to clarify, the purpose of that particular condition, say B26, is something that we've applied in other parts of the Department's work, particularly in the employment precincts in Western Sydney where you have a situation where you do have a scenario like this where you've got surrounding receivers, you've got a – in the Western Sydney scenario – you've got lots of development happening concurrently, with end uses that might be a little bit different.

And the design verification, importantly to point out to the Commission, being required prior to construction, enables or allows the Applicant and the Department to make sure that the objectives of those conditions around the noise goals to satisfy, the goal is front of mind in how they design that project, in terms of the equipment they use, the fans they use, the walls (as Ms Blackmore has mentioned before), to ensure that the objective around before they start constructing is achieving that goal.

What B27 then comes in to do is to verify that. So, you offset the bench for the criteria, your design is to the best of your ability to make sure that's achieved, and we're going to check through the process of B27.

So, in terms of – coming back to the original question – the intent is to apply those requirements. And I think it's important that when we're reading conditions, you read that in parallel with the report, and that's how the Assessment Report has structured how that noise will be sought to be mitigated through the construction, through the design, and through the operation.

PROF TAYLOR: Look, and I will raise another area where there is concern not just around noise, around – there were over 22 references to "Unless the Planning Secretary agrees," and there is one around hazards that I will raise appropriately at that point.

MR CHILCOTT: Thanks, Mr Ritchie. If you can give consideration to that comment as you review matters following the meeting. I had a question in relation to the up to 10% of the season exceedance permissibility – sorry, not permissibility – allowance.

And just enquiring, firstly, is that based on some consistent Departmental policy to provide that allowance to projects either of this site or more generally? And secondly, what is that numerically in terms of days or – within the season, how many days might that either be the case? Up to how many of those days might that be the case?

MR RITCHIE: Okay. So, to answer that question. Firstly, we have been engaging with an internal noise expert that gives us advice. This approach around the 10% has been applied to the Calala BESS. And I think as Ms Blackmore did identify, the intent around the condition is really just in that worst-case scenario. As she's also identified, it's during those extreme or enhanced weather conditions where temperatures can be quite high, it's actually during those occasions when the demand on the substation is probably at its peak.

And the idea is that – the relationship with the BESS in those situations is there to provide that stability and the resilience. So, it's kind of at those times of the day that essentially the BESS is probably there to help in those situations, so when everyone's got air conditioning on, when there's a drain on the grid, it's actually a way of offsetting and stabilising those high energy demand situations.

Importantly, as we have also pointed out, and I'll come back to your question, but I just want to sort of set the background. A lot of the criteria that was spelt out in the conditions are probably the lowest you can go anyway. So, in terms of 40, 35 and 35, it is very low in terms of the spectrum of noise criteria that can apply. And that is obviously cognisant of the real nature of the area. And importantly, when we do talk about there potentially could be those exceedances in those extreme situations, that is not during the night-time where the night-time criteria of 35 will still be the lowest criteria that you can actually apply to an industrial situation.

In terms of the numeric number, the 10% which was spelt out in the notes under table 2 of B24, is essentially applying to the seasonal period. So, if you've got three months of the year for a particular season, then applying a 10%, it could be up to, you know, 9 days of that season where you might have heatwaves during the situation, you know …

We did think about being very specific about the numerical number, but again, as probably allowing just the understanding that sometimes during those seasons, the days of the year could be a little bit different. So, it's just applying a consistent 10% and as I mentioned, it was the Calala BESS that had a similar approach to just mitigating and managing noise in those particular situations where, ironically to a degree, the substation needs that support from a BESS.

MR CHILCOTT: No, I understand the circumstance in which it might arise. I guess, I was turning my mind to the fact that in those sort of conditions, that it might be where a residential receiver may wish to open the windows to get ventilation in the home, but what's being generated by the BESS would be a noise exceedance which would then suggest, you know, if you want to mitigate it at the home, you'd close the window.

Anyway, it was sort of just trying to get a sense of that balance of between understanding clearly why it happens and how the noise is generated because of the heat. But then the ying to the yang at the residential side of what that means at that time. And again, it goes to matters of potential feasible and reasonable mitigation for places/receivers which may be impacted by these exceedances.

MR RITCHIE: And importantly, in the situations where we might apply this approach, we do, as you correctly point out, we do want to make sure that all reasonable and feasible measures have been examined. So, I think in terms of this particular proposal, they have looked at orientations, they have looked at what types of fans might be used, they've looked at what other on-site mitigation should be adopted.

And again, as Ms Blackmore pointed out, they have looked at that from a worst-case scenario. Importantly, this is again where that design verification comes in, where we

actually look to dive into those scenarios and those mitigations even further, to ensure that the first point case is to meet that normal situation criteria. This is just to allow some little bit of flexibility in those extreme circumstances.

MR CHILCOTT: No, I understand the circumstance, I understand that the application of reasonable and feasible measures have been considered on site. I guess, what I was just thinking about was had that been extended, as it sometimes is, to the residential receiver location, where reasonable and feasible measures may be considered in that circumstance.

And I've mentioned – I understand that Ms Blackmore did say that there's consideration for the possibility of making architectural treatments and so forth at the homes, but it seemed like that that was at the discretion of the Proponent down the track rather than as some trigger requirement, should that situation arise.

MS BLACKMORE: We do have condition B28, which does cover that. So, if a receiver does request architectural treatments, B28, and they are impacted by that 10% of any season, B28 will kick in and Iberdrola will be required to provide treatment in accordance with the requirements of the NPFI.

MR CHILCOTT: That's very helpful, Ms Blackmore, thank you. Again, some of these questions are for me to draw out onto the record some of this information for the public benefit as much as for myself. So, I'm grateful for that, thank you.

MS BLACKMORE: Next slide please, Pragya. High-risk heavy vehicles requiring escort would be from Port of Newcastle via one of two route options, either going through or bypassing the town centre of Muswellbrook. There would be 10 movements of high-risk heavy vehicles requiring escort during construction, upgrading or decommissioning.

Swept path analysis confirms that high-risk heavy vehicles requiring escort routes from the Port of Newcastle are feasible, with no upgrades required along the haulage route. Heavy vehicles would travel to the site from the south via the New England Highway, Whitehouse Lane, Ascot-Calala Road, to access the BESS facility, and via Burgmanns Lane to access the Tamworth Substation.

During peak construction, there would be 80 heavy vehicle movements per day. The Department notes that there was a typographical error in the Assessment Report which stated that there would be 60 heavy vehicles per day. The Department's assessment recommended conditions and consultation with Transport for NSW and Council was based on the 80 heavy vehicle movements per day, as per the final Traffic Impact Assessment.

Heavy vehicles accessing the site would be up to 26 metres in length, excluding the high-risk heavy vehicles requiring escort that are required for the delivery of larger plant, including the substation transformers, which would require approval from the National Heavy Vehicle Regulator (the NHVR). Iberdrola would be required to obtain relevant permits under the Heavy Vehicle National Law.

Vehicles would enter the BESS site by the proposed new access point off Ascot-Calala Lane. The Tamworth Substation would be accessed using existing side access off Burgmanns Lane. Channelised right-hand turn lengthening treatments would be required at the intersection of New England Highway and Burgmanns Lane, and New England Highway and Whitehouse Lane to accommodate cumulative construction traffic volumes

Temporary placement of fill would also be required at Whitehouse Lane and Ascot-Calala Road intersection to facilitate the high-risk heavy vehicles requiring escort movements. Upgrades would be constructed in accordance with the strategic design provided in the Traffic Impact Assessment and Amendment Report 2 and are included in the recommended conditions of consent.

Additionally, the Department has recommended a condition requiring Iberdrola to apply a two-coat bitumen seal at the request of Council between Whitehouse Lane and Ascot-Calala Road intersection, and the Tamworth Substation access, to mitigate dust impacts along Ascot-Calala Road or Burgmanns Lane.

I'll pause there.

MR CHILCOTT: I'm fine with that. Elizabeth, any questions? No? Thank you.

PROF TAYLOR: Sorry, I was on mute. I'll have to stop that. Just noting my concern again that on all heavy vehicle restrictions and access routes etc., there is that statement about the Planning Secretary, and I just wondered whether the Transport for NSW wished to have any input. For example, if the Planning Secretary agrees something else that may impact on the roads then becomes the responsibility of Trasport for NSW, how will that relationship manage the situation?

Because I assume that there has already been some – oh well, I'm aware that there has been significant engagement with Transport for NSW regarding routes. And yet that seems to, again, be something that could be compromised. B1, B2, B3, B4, B5, B6 and B7.

MR RITCHIE: Just quickly, talking to B1, for example. Again, there might be a situation where there's 81 vehicles. Again, getting into that granular aspect, and that's talking to B2, where there might be a situation where there needs to be an extra vehicle for one day for an hour or something. So, again, it's just allowing a little bit of that flexibility in case – and it's not allowing it to a point where it's not consistent or creates a lot more further impacts – in variableness where there is a situation where there might be a change to one road or a route or something minimally, we'll probably have to talk to Transport, which does/is reflected in some of the notes where, particularly in B3, where it talks about consulting Transport.

In the situations of routes and mitigation, as you correctly say, we have and do work very closely with the likes of Transport and the local council. If there is a need to continue or engage again, that is something we'll do through the conditions as well.

PROF TAYLOR: I'll just note concern with the wording more than the intent.

MR CHILCOTT: I think it's, from your perspective, Elizabeth, it sounds like it's more just trying to get the wording to reflect the intent rather than it to imply something that may not be intended, but which creates a perception publicly of a broader discretion.

PROF TAYLOR: Yes. And as somebody who had a lot of experience on site, I absolutely understand the need for making sure that there is that flexibility. But yes, you have read my statements correctly.

MR CHILCOTT: Thank you. Anything else or shall we ask Ms Blackmore to continue? Ms Blackmore, please continue. Thanks.

MS BLACKMORE: Next slide please, Pragya. The preliminary hazards analysis found that subject to mitigation measures, including minimum separation distances between the BESS containers and off-site sensitive receivers, the project risk did not exceed acceptable criteria, and propagation risks within the site were acceptable.

The Department is satisfied that dangerous goods stored on site would be unlikely to exceed the threshold limits in the Department's Hazardous and Defensive Development Application Guidelines, applying SEPP 33. And the project is not potentially hazardous. The project would comply with the International Commission on Non-Ionizing Radiation Protection Guidelines for electric, magnetic and electromagnetic fields.

Subject to the implementation of the Detailed Emergency Plan and Fire Safety Study to the satisfaction of Fire and Rescue NSW, as required by the recommended conditions of consent, the Department considers that the fire and hazard risks for the project can be managed.

The site is located on land identified as bushfire prone under Council's Bushfire Prone Land Map. The entire site is mapped as Category 3 vegetation. RFS advise that the Bushfire Assessment Report adequately addressed the requirements of RFS's Planning for Bushfire Protection 2019.

The Department considers that fire hazards and risks, including bushfire risk, can be suitably controlled through the implementation of the standard procedures and recommendations made by Fire and Rescue NSW and RFS, including provision of a trafficable fire break around the perimeter of the BESS facility area, with the development to be managed in accordance with the Asset Protection Zone Standards. Provision of a minimum 20,000-litre water tank for firefighting, and development of a Comprehensive Emergency Plan.

Iberdrola conducted a preliminary site investigation (PSI) which included a review of historical land uses, review of public records and historical imagery, and a site inspection and conceptual site model. Previous land uses have comprised agricultural

activities and grazing, which present a low contamination risk. The PSI identified the potential for limited localised contamination due to historical uses, including stockpiling of general household goods, a small aboveground fuel storage, and historic use of herbicides.

Iberdrola has confirmed that all materials would be classified in accordance with the Waste Classification Guidelines and transported off site for appropriate treatment, recycling or disposal at appropriately licensed facilities. Details of these arrangements would be managed through a Waste Management Plan that would be prepared prior to construction.

The PSI concluded that the site is suitable for commercial and industrial land use scenarios and no further assessment or remediation is required.

The Department has recommended conditions requiring the Applicant to prepare and implement an unexpected finds protocol to guide responses to finds of contaminated, hazardous or unsuitable material during construction. And requiring all chemicals, fuels and oils to be stored in accordance with Australian standards and EPA requirements.

I'll pause there.

MR CHILCOTT: Thank you. Elizabeth, questions?

PROF TAYLOR: Yes, thank you very much. The hazards area was the one I did have some concerns regarding. As lithium-ion batteries, of course, do have particular needs, and so I did review the EIS response from both the NSW Fire and Rescue Service and the Rural Fire Service. And I was not necessarily able to make the relationship between their very strong recommendations regarding how both the PHA and the bushfire, so they are two different fire scenarios, were covered by all of the conditions that were noted.

I also went back and read the Sherpa Consulting Report on the PHA. And their whole analysis was based on the fact that the OEM, the original manufacturing system would be a particular form of … Well, the maximum energy discharge capacity would be maintained, and that the type of technology that would be used would be an energy volt battery system, so a specific form of technology.

So, I was a bit concerned then to read in A5 that that could be changed by the Planning Secretary, and there did not seem to be a condition that if that was the case, then the EIS review of the, by, I think it was Sherpa, would then be re-framed to ensure that all of those statements that they made about what would constitute the appropriate way to manage those BESS fire hazards as well as bushfire hazards, would be appropriate for the situation.

So, in terms of just trying to ensure that those hazards are managed appropriately … And it was little things as well, for example, the Rural Fire Service asked for a 12-metre road; that has been changed to a 10-metre road. I wasn't quite sure whether there

was rationale or there had been further conversations between those entities, to ensure that probably one of the major risks for this enterprise was appropriately managed moving forward.

MR RITCHIE: Commissioner Taylor, maybe I'll just give an initial overview response to the question and issue, and I'll hand it to the team to sort of give a bit more detail on some of those questions.

But probably just to reassure yourself, in terms of fire risk and hazard risk and bushfire risk, in terms of the PHA and the risk associated with the proposal, probably just to confirm and clarify for you that we have an internal team of hazard and risk experts, and they basically are the state's experts on risk-based issues. So, they look at ammonium nitrate, chemical facilities, etc. They are what we call subject matter experts, and they work under what we, you know, was formerly known as SEPP 33. So, they look at modelling, they look at scenarios, they look at these sorts of issues quite carefully.

And obviously now, with BESS's, you correctly say there are some hazard-based issues that they have to look at. And they work very closely with the likes of the fire brigade. They work very closely with the likes of Shannon and the team.

So, just to reassure you, they are the government's experts, they look at these issues all the time, and concerns around thermal runaway and separation and fire control are issues that they look on a case-by-case with the lens of their expertise with the likes of Fire and Rescue NSW.

In terms of – and you mentioned before some of that "Unless otherwise agreed" in terms of B37, the intent is not to change the level of risk or to change the potential consequences. Sometimes there is the need to do some earthworks or some cabling that doesn't necessarily change or affect the risk profile, but again, just allow some form of activity to occur that doesn't change that risk.

In terms of a lot of the conditioning here, it is pretty standard in the industry to apply these requirements. And in terms of some of the details around fire risk or in terms of how issues are going to be managed, these are identified and outlined, as you can see, in B37b in what we call the HIPAP papers. So, the HIPAP papers are about 12 technical papers that drive into details in terms of criteria to satisfy or how a risk assessment is done, or in this instance, which is HIPAP number 2, the details around a fire safety study and the ins and outs of how that is to be prepared. And that shows in terms of how we're examining those studies; we do that in close collaboration with the likes of Fire and Rescue NSW.

I'll have to hand to maybe Ms Blackmore to talk about some of the rural fire aspects. But I just wanted to clarify that there is a team of in-house experts that their pure role is to look at PHAs and risk-based issues.

PROF TAYLOR: Thank you. I think I certainly appreciate that clarification. I think in terms of, say, someone like me that is trying to draw the link between the public

documents that are available through the website regarding what the expectations were of the Rural Fire Service and the Fire and Safety Service does not appear to correlate. And that may be because of the invisible-to-me discussions that have then gone on with the in-house team. But certainly, there is no then statement of comfort that I could see from those two entities, that the conditions that are now the public conditions, correlate with that. So, it may be that there is a missing step here or a missing sort of – that would give that comfort.

But, again, to the point that the wording does tend to suggest a capacity for shift that perhaps would leave – may not be intentional but perhaps may lead to concern.

MS BLACKMORE: Understood. And we did consult with both Fire and Rescue very closely with RFS and Fire and Rescue on these condition sets. The Department's undertaken like a broader consultation to try and standardise these conditions somewhat, so that has occurred concurrently with the development of these conditions.

So, we've adopted the agreed conditions with Fire and Rescue and Rural Fire Service, and we don't tend to make the direct comments on conditions public. We can review the bundle of advice provided by RFS and Fire and Rescue and take that on notice to provide back to yourselves.

PROF TAYLOR: That would be very helpful for us to see that final agreement between the Department and each of those. And the same with the water group would be the other one. Yes. Because of course we're relying on the public documents.

MS BLACKMORE: Yes, understood.

MR CHILCOTT: Thank you. Thanks, Ms Blackmore, I think if you proceed. Just noting formally we go through to 11, we're at 5 to, we may need a little bit more time that that. But we do another meeting, I think, due to commence somewhere around 11:15, so.

MS BLACKMORE: Next slide please, Pragya. The site is located on land within the RU Primary Production Small Lot Zone under the Tamworth Regional LEP. The proposed development is permissible via the Transport and Infrastructure SEPP and section 4.383 of the EP&A Act.

The project is consistent with local and regional plans, including the New England – North-West Regional Plan and the Tamworth Regional Council Blueprint 100, which identifies the potential for the region to become a renewable energy hub.

The site is located on largely cleared rural land, which is currently used for cattle grazing and existing electrical infrastructure. Land within the development footprint is mapped as Class 4 (moderate to severe limitations) and Class 5 (with severe limitations).

The land is subject to development, would be capable of being returned to usable agricultural land, following decommissioning of the project. Neither Council nor DPI

Agriculture raised concerns that the project would compromise the long-term use of the land for agricultural purposes. And importantly, the loss of a small area of agricultural land in the region must be balanced against the broader strategic goals of the government, along with environmental and economic benefits from firming capacity to support renewable energy.

The Applicant prepared a Land Use Conflict Risk Assessment (a LUCRA) as part of their EIS to assess potential impacts of the project on land uses surrounding the site. the LUCRA concluded that the potential impacts on surrounding land uses were manageable with the implementation of the proposed mitigation measures, including traffic management measures, weed management, rehabilitation and decommissioning plans, and noise and dust mitigation.

The Department notes that two existing 333-kilovolt transmission lines traverse the western and central parts of the project site, which connect to Transgrid's existing Tamworth Substation.

The project's development footprint accounts for a tiny fraction (0.0005%) of land use for agricultural output in the New England and North-West region. And the Department considers cumulative impacts on regional productivity would be negligible.

Based on the findings of the EIS, the project would not result in unacceptable impacts on the local community or environment. Overall, the Department considers that the project would be unlikely to generate any significant land use conflicts and would be compatible with existing and future land uses.

I'll pause there.

MR CHILCOTT: That's fine, I don't have any questions at that point. Elizabeth, did you have any?

PROF TAYLOR: No, I don't. I just – I'm not quite sure whether it was in there, but at some point, could you look at the staging combining and updating of strategies, plans and programs area? Because, following on from my previous concerns, I think that was an area I also had concern, and I've just realised that it's probably not going to be covered in the time that we have available.

MS BLACKMORE: Just in terms of the flexibility or the …

PROF TAYLOR: Yes, because that's about, again, with the approval, that it can be staged in particular ways. And I just, again, your advice outside, you know, after this meeting on how that ties in with how that might impact on hazards management, for example, would be very useful.

MS BLACKMORE: Next slide please, Pragya. The Department visited the site to understand the potential visual impacts of the project. The site and surrounding landscapes consist of gently undulating low hills located within a largely cleared

landscape disturbed by grazing, cropping, farm infrastructure and an electricity substation and transmission lines, existing electrical infrastructure a dominant feature of the immediate surrounds.

There are 17 non-associated receivers within 1 kilometre of the BESS facility area. The closest of which, R2, is approximately 300 metres to the north of the BESS facility area. Iberdrola propose to plant substantial landscaping buffers along the northern, eastern and southern boundaries of the BESS facility area.

The landscape buffers would include a 50-metre-wide vegetation screening along the northern boundary, and 20-metre-wide screens along the eastern and southern boundaries. These would be planted with a mix of trees such as Blakely's red gum, yellow box and narrow-leaf ironbark, which reach mature heights of 10 to 30 metres and would screen views of the noise walls once they are established. The proposed tree species would grow at a rate of approximately 1 to 2 metres per annum and would reach a height of 10 metres within 10 years.

The project assessed a worst-case visual impact based on 8-metre height noise walls around the boundary of the BESS facility area. The Visual Impact Assessment concluded that the visual impacts at all non-associated receivers would be low to very low due to the undulating topography, scattered vegetation, existing electricity infrastructure, and proposed mitigation measures.

To ensure early establishment of these visual buffers, the Department has recommended a condition requiring the vegetation to be planted before construction begins.

The cumulative view shed of the project would be unlikely to alter the visual character of the landscape, as similar infrastructure exists in close proximity. Specifically, the Tamworth Substation, the approved Calala BESS, and the proposed Tamworth BESS.

The Department considers that the project would have limited impact on the visual landscape of the region, and that the project is unlikely to modify the existing visual catchment.

Next slide, please. The Department also conducted a detailed assessment of all other matters and concluded that there would be no significant impacts. The following slides address other key issues raised by the IPC.

Next slide, please. Vegetation on the site is predominantly low quality with minimal biodiversity values and does not require offset. A total of 4.02 hectares of native vegetation would be cleared for the project, comprising PCT 3396 Northwest Flats Box-Blakely's Red Gum Forest. PCT 3396 forms part of the critically endangered ecological community listing under the Biodiversity Conservation Act (the BC Act) but does not meet the minimum condition threshold for the equivalent TC under the EPBC Act.

The impacts on native vegetation would generate 2 ecosystem credits for PCT 3396 under the BC Act and would be retired in accordance with the NSW Biodiversity Offsets Strength Scheme. No threatened species were recorded within the subject land during field survey.

The assessment concluded that the project was not likely to result in significant impacts to species or communities listed under the EPBC Act and, as such, referral to Commonwealth Minister is not necessary.

The Department considers that the proposed impacts to 4.02 hectares of native vegetation would make a negligible contribution to cumulative biodiversity impacts in the region. Iberdrola have committed to minimising impacts to native vegetation clearing as far as practicable.

CPHR raised no issues with the final project and advised that the BDAR met all relevant requirements. The Department has recommended conditions to prepare and implement a Biodiversity Management Plan in consultation with CPHR to ensure the remaining biodiversity values on site are appropriately managed and maintained.

Next slide please, Pragya. The site is not identified as being subject to flood-related development controls or in a flood planning area, or within the mapped flood extent under Council's Development Control Plan and LEP. And it is above the probable maximum flood level for Goonoo Goonoo Creek.

Iberdrola has committed to siting project infrastructure, including batteries and electrical equipment, above the 1% AEP level. Iberdrola noted that access to site may be impacted should flooding from Goonoo Goonoo Creek or Calala Creek occur at Whitehouse Lane or Burgmanns Lane. The Department notes that Tamworth Council undertook road upgrades at Burgmanns Lane in late 2025 to enhance flood immunity and reduce road closures during heavy rainfall.

Iberdrola has committed to preparing and implementing a Traffic Management Plan and Emergency Management Plan which would detail flood emergency response protocols and the evacuation route to be used in the event of flooding. The Department has recommended a condition requiring the preparation and implementation of a Flood Emergency Response Plan for construction. No other government agencies consulted raised any concerns in relation to flood impacts of the development, and SES supported the inclusion of the Flood Emergency Response Plan requirement.

As such, the Department considers the potential for additional flood impacts associated with the development to be minor and can be managed through the proposed conditions of consent.

The project would require up to 16.8 megalitres of water during construction and 344 kilolitres per year during operation. Water would be sourced from groundwater bores, reuse of captured rainwater and/or through water supply arrangements with Tamworth Regional Council.

A Groundwater Impact Assessment concluded that the existing on-site bore, which is GW05598, is suitable to provide the required water demands for the project. DCCEEW Water Group confirmed that the Hydrogeological Assessment adequately assessed groundwater impacts. The Department has recommended a condition requiring Iberdrola to provide Council with water requirement estimates, including consideration of contingency provisions for drought conditions.

MR CHILCOTT: Thanks, Elizabeth.

PROF TAYLOR: Yes, this one is where I would welcome having an opportunity to see the final correspondence with Water Group because they raised significant concerns in their letter of the 13th of August '24 regarding water licensing and why they had the concerns that they do. So, it would appear from this it has been moved on, but it would be good to see that/confirm that.

MR CHILCOTT: Thank you.

MS BLACKMORE: Next slide please, Pragya. The expected operational life of the project is 20 years. Infrastructure maintenance and upgrading would be required during the life of the project and has been considered in the recommended conditions of consent.

The Department has developed standard conditions for battery projects to cover the decommissioning and rehabilitation stage of the project lifecycle, including clear decommissioning triggers and rehabilitation objectives. With the implementation of these measures, the Department considers that the battery would be suitably decommissioned at the end of project life or within 18 months if operations cease unexpectedly, and that the site would be appropriately rehabilitated.

PROF TAYLOR: Could I ask a question at this point regarding the statement in the table 3 of B46. Why is the decommissioning and removal limited to less than 500 millimetres below ground? That's not very deep in construction terms.

MR CHILCOTT: I'm not sure whether somebody's trying to reply from the Department and is on mute or whether they're just thinking about a reply. Mr Ritchie, are you to respond to that?

MR RITCHIE: Commissioner Taylor, I would – I mean, I'd have to defer to the team or come back to you, but sometimes leaving infrastructure there, it's often about the level of disturbance to pull that out. So, it's not unusual to sort of leave some aspects there to minimise the level of disturbance in removing it. That's what I would probably anticipate as a broad answer, but we'll have to – unless Ms Blackmore knows a bit more – we'll have to probably go away and come back with a bit more details for you.

MR CHILCOTT: If you could, and perhaps just in context, I think there was an earlier statement somewhere following rehabilitation, there was no constraint on the reuse of the site for agricultural purposes and how those two might sit together.

PROF TAYLOR: Particularly if there's a concrete slab sitting below … It's just interesting that that's the way it's been written in. Certainly, again, the logic of having rehabilitation objectives that are transferrable across projects makes sense, I just was interested in such a limiting …

MR RITCHIE: We'll take that on notice and come back with a bit more detail.

PROF TAYLOR: Sure. Thank you.

MR CHILCOTT: Thank you. Thanks, Ms Blackmore.

MS BLACKMORE: Next slide please, Pragya. In summary, electricity generating works on the site are permissible with consent in accordance with the Transport and Infrastructure SEPP. The overall agricultural productivity of the region would not be significantly reduced. The site is located adjacent to the Tamworth Substation and is in proximity to the state road network.

The project has been designed to largely avoid site constraints, including impacts on nearby non-associated receivers, agricultural land, water courses, remnant vegetation, and Aboriginal heritage sites, while maintaining its ability to utilise the existing electricity infrastructure and road network.

The project would assist its transition of electricity sector away from coal and gas-fired power stations to low-emission sources and is consistent with New South Wales policy. It would provide 270 megawatts and 1,080 megawatt-hours of energy storage to dispatch energy to the grid when energy generation from renewable energy sources is limited, which is enough to power 108,000 homes in peak demand.

The Department considers that the project achieves an appropriate balance between maximising energy security and reliability and minimising potential impacts on surrounding land users and environment. Through job creation and capital investment and a planning agreement with Council, the project would also stimulate economic investment in renewable energy and provide flow-on benefits to the local community.

On balance, the Department considers the project is in the public interest and is appropriate subject to recommended conditions of consent. Thank you.

MR CHILCOTT: Thank you. Just noting from the agenda, one of the points that was on there was cumulative assessment – oh sorry, cumulative impacts. And I think you did touch on it in relation to noise, but I couldn't see in the Department's Assessment Report a specific section looking at broader cumulative impacts. Is that something that the Department has turned its mind to, and I wonder if at some point you might share some views from the Department on that?

MS BLACKMORE: We've addressed the cumulative impacts throughout each assessment chapter. So, within the traffic chapter, for example, it discusses cumulative traffic impacts, and that is one of the driving reasons for the Goonoo Goonoo Road upgrade, is to allow that through-traffic as a result of cumulative impacts.

We've touched on cumulative biodiversity within the biodiversity section as well. So, we tend to, rather than pulling it out as a discrete section, the cumulative impacts are addressed within each aspect.

MR CHILCOTT: Right. And I do note that the EIS, I think, and the Applicant has provided some overview of cumulative impacts from its perspective as a discrete cumulative impact discussion. Sometimes it's, while I appreciate these things might be spread out, sometimes these things are helpfully brought together in a section of an assessment report for consideration. But I hear what you say, we'll go digging for them through the various sections, thank you.

Just noting time. I suggest if we have any further questions arising, we'll put them in written correspondence to you. But I'll just double check with the team from the office, Tahlia and Geoff, are you satisfied, anything you need to clarify from the discussion this morning before we take a very short break before our next meeting?

MR GEOFF KWOK: Nothing from me, thanks Michael.

MS TAHLIA HUTCHINSON: Nothing from me. We'll just send a letter with the questions on notice [interruption 01:10:36] anything that comes up during our meetings with other stakeholders.

MR CHILCOTT: All right. No, thank you very much. And thank you for taking our questions and responding to them and being willing to respond further in relation to the written correspondence. So, thanks for attendance, and I'll formally draw a close to the meeting, and we'll get off this platform, and my colleagues and I will move to our next appointment. Thank you.

MR RITCHIE: Thank you, all.

PROF TAYLOR: Thank you.

MS BLACKMORE: Thank you.

MR CHILCOTT: Thank you.

>THE MEETING CONCLUDED