



# Consultation by the Minister

Emeroo BESS



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## Department for Energy and Mining

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## Acknowledgement of Country

As guests here on Kaurna land, we acknowledge everything this department does impacts on Aboriginal country, the sea, the sky, its people and their spiritual and cultural connection which have existed since the first sunrise. Our responsibility is to share our collective knowledge, recognise a difficult history, respect the relationships made over time, and create a stronger future. We are ready to walk, learn and work together.

| Date:     | Comment:        |
|-----------|-----------------|
| 1/07/2025 | First published |
|           |                 |

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## Public consultation – Act requirements

Under section 72 of the *Hydrogen and Renewable Energy Act 2023* (the Act), the Minister must undertake public consultation on an environmental impact report (EIR), statement of environmental objectives (SEO), and a scoping report (where a scoping report has been developed). Regulation 39 of the *Hydrogen and Renewable Energy Regulations 2024* (the Regulations), set out the requirements for public consultation.

This report has been developed pursuant to regulation 39(5), which requires that copies of written submissions and responses made during the consultation by the Minister be available for inspection on the register. Note that, under regulation 39(6) the Minister may refuse to publish submissions made on grounds that the submissions are irrelevant, offensive, or on any other grounds the Minister thinks fit.

Section 73 and regulation 40 of the Act requires that an EIR, SEO, and scoping report (where developed), refer the documents to prescribed bodies for a response. The Act and Regulations do not require that submissions and responses made during the referral period are published on the register, however, these have been included in this document for transparency and completeness.

Submissions received during the public consultation and referral period and the proponent's responses are reported below in Appendix A and B.

## Public consultation - Emeroo BESS EIR and SEO

In accordance with the Act and Regulations, the **Emeroo Battery Energy Storage System (BESS) Environmental Impact Report (EIR)** and **Statement of Environmental Objectives (SEO)** were published for public consultation and referred to relevant prescribed bodies and agencies meeting the minimum of 30 business day requirement, between 11 April 2025 and 5 June 2025.

Pursuant to regulation 39(2), a notice was published specifying a place at which a copy of the relevant report and statement could be obtained and invited written submissions in relation to these reports. The notice was published in *The Advertiser* (12 April 2025) and the *Transcontinental* (16 April 2025).

The documents were provided to the following referral bodies and stakeholders for comment:

- Bungala Aboriginal Corporation
  - Nukunu Wapma Thura Aboriginal Corporation
  - Torrens Energy
-

- 
- 
- City of Port Augusta
  - Outback Communities Authority
  - Regional Development Australia Far North
  - Attorney Generals Department – Aboriginal Affairs and Reconciliation (AAR)
  - Commissioner of Highways (DIT)
  - Department for Environment and Water (DEW)
  - Department of Primary Industries and Regions (PIRSA)
  - South Australian Arid Lands Landscape Board (SAAL)
  - Department for Housing and Urban Development (DHUD)
  - Office of the Technical Regulator (DEM)
  - South Australian Country Fire Service (CFS)

No public submissions were received pursuant to regulation 39. Responses were received from referral bodies pursuant to regulation 40 from AAR, CFS, DEW, DHUD, SAAL and PIRSA. The submissions are provided below in Appendix A.

Responses to these submissions by the proponent have been extracted from the EIR and provided in Appendix B of this report. The full versions of the EIR and SEO are available on [the Hydrogen and Renewable Energy Register](#).



## **Appendix A – Submissions received**



Date: 4/06/2025  
Our reference: 20250604-01jp  
Your reference: N/A

## SA CFS Development Assessment Services BUSHFIRE PLANNING HAZARD PROTECTION RESPONSE

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application               | Crown Development (Energy Infrastructure Facility)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Nature of Development     | <p>The proposed development comprises a 225MW/900MWh BESS to be located at the Bungala Solar Farm.</p> <p>The BESS will comprise:</p> <ul style="list-style-type: none"><li>• Containerised batteries, inverters and power conversion units</li><li>• Switchroom and harmonic filter</li><li>• O&amp;M and storage buildings</li><li>• Electricity connections to the existing ElectraNet Emeroo Substation, including switchyard upgrades/additional infrastructure within the existing substation, and</li><li>• Associated fencing, access and site works.</li></ul> |
| Development Number        | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Development/Property Name | Emeroo BESS Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Location                  | Located approximately 10km northeast of Port Augusta                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Owner                     | Potentia Energy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Applicant                 | Potentia Energy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## LEGISLATIVE FRAMEWORK

|                                  |                                                                                                                                |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Instrument                       | The Planning and Design Code under the <i>Planning, Development and Infrastructure (General) Regulations 2017 – Schedule 9</i> |
| Overlay                          | Hazards (Bushfire – Regional) Overlay                                                                                          |
| Fire Authority/<br>Response Area | South Australian Country Fire Service                                                                                          |

## DECISION/SUMMARY

The South Australian Country Fire Service (SACFS) welcomes and supports development in regional and rural areas of South Australia. SACFS has no direct concerns with the proposal and provide these comments for your consideration.



This advice/comment is relevant to the following documents:

- Emeroo-BESS\_Environmental\_Impact\_Report
- 
- Emeroo\_BESS\_Statement-of-Environmental-Objectives

An officer of the SACFS has undertaken a review of the aforementioned document(s) provided on the Plan SA portal, for the planning application.

SACFS has regard for the bushfire hazard(s) to and from the site, and any mitigation measures required to prevent spread of fire to the site, or the environment as a result of the activities within the site. SACFS provides the following comments:

### **Bushfire Hazard Overlay**

The site is located within the areas designated:

- Hazards (Bushfire – Regional) Overlay

The Desired Outcomes (DO) for the Hazards (Bushfire – Regional) Overlay identifies:

DO 1 Development, including land division, responds to the relevant level of bushfire risk and is sited and designed to mitigate the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.

DO 2 To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

### **Fire Response Capability**

The site is within the Stirling North fire station (CFS) response area.

### **Land Use**

Performance outcomes for Land Use do not apply in this hazard overlay.

### **Siting**

The SACFS recommends establishing and maintaining an Asset Protection Zone (APZ) to create a setback/buffer to any infrastructure using mineral earth breaks, roadways and/or areas of managed vegetation to prevent or prohibit the spread of bushfires to and from the site, minimising the risk to life, and or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and firefighters.

SACFS recommends all buildings and infrastructure such as Substation, Inverter stations, BESS and Control Buildings should be located no less than 17 metres from the property boundaries or existing remnant vegetation being retained, for the purposes of maintaining an APZ.

See Access/Egress and Vegetation Management recommendations for more detail.

### **Access/Egress**

Any future internal road networks should be designed to achieve compliance with the 'Roads' Performance Outcome relevant to the hazard overlay.

Perimeter roads with a minimum formed road width of 6 metres should be incorporated to achieve adequate separation between infrastructure and areas of bushfire hazard to support safer access for the purposes of fire fighting or provide mineral earth breaks for passive protection from spread of fire to and from the site.

### **All access/egress roads on the project site:**

- Perimeter roads shall be incorporated to achieve adequate separation between infrastructure and areas of bushfire hazard including areas of remnant vegetation being retained within the boundaries of the allotments to support safer access for the purposes of fire fighting or provide mineral earth breaks for passive protection from spread of fire to and from the site.
- Shall be constructed with a formed, compacted, self-draining, all-weather surface.
- Roads shall have a minimum formed road width of 6 meters, or if constructed less than 6 metres wide, access shall include appropriately sized passing bays or turning areas, spaced no more than 200 meters apart to support safer access for the purposes of fire fighting:
  - Passing bays minimum width of 6 metres and length of 17 metres, or
  - 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Incorporating cul-de-sac endings or dead end roads has either:
  - A turning area with a minimum formed surface radius of 12.5m, or
  - 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Shall be constructed with a minimum external radius of 12.5m for all road curves.
- Shall not exceed a gradient of 16 degrees (29%).
- Shall incorporate solid all-weather crossings over any water-course capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
- Shall allow fire-fighting vehicles to safely enter and exit the site in a forward direction by incorporating a loop road around the site.
- All access gates to be readily accessible to attending fire service units, this maybe with the use of a Lockwood 003 type padlocks.

**Note:** *Other fire safety measures pertaining to roads may be prescribed by the National Construction Code.*

### **Vegetation Management (buildings and infrastructure such as Substation, Inverter stations, BESS and Control Buildings):**

- Vegetation management shall be established and maintained within 17 metres of each Substation/Control Building or alike as follows:
  - The understorey plants within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.
  - No understorey vegetation shall be established within 10m of the Substation/Control Building site (Understorey is defined as plants and bushes up to 2m in height).
  - Grasses within the zone shall be reduced to a maximum height of 10cm during the fire danger season (e.g. by grazing, slashing or chemical treatment)
  - The VMZ shall be maintained to prevent the accumulation of dead vegetation during the fire danger season.

## Water Supply

Whilst there is presence of reticulated water in the area reticulated water supplies may be compromised during a bushfire event. Static fire water tanks for both bushfire, BESS and building fires will be required to assist in effective Fire Service intervention and suppression.

Fire tanks (2 x 72,000L) to be made available to SA Fire Service Policy 14 requirements and include both large and small-bore suction outlets as per the policy and as follows:

- Access to the water supply shall be constructed of all-weather construction, with a minimum formed road surface width of 3 metres.
- Fire tanks shall be identified with signage in accordance with AS 2419.1.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- The water supply is required to be available to all BESS system pod/containers within 90 metres of hose lay of the static fire water tank. If this cannot be achieved, then additional static fire water tanks or a dry hydrant system may be required.

## Emergency Response Planning

The Bushfire Management Plan and the Emergency Management Plan will need to be established and reviewed and updated every 12 months by the company and/or its operators. Revised versions to be forwarded to the relevant SACFS Regional Office to use as a reference.

The Company and/or its operators will be required to engage on a regular base with on-site training and site inductions for emergency service personnel.

## BUILDING CONSIDERATIONS and BESS:

All class 2 – 9 buildings will need to comply with National Construction Code (NCC) and to include all the minimum *Deemed to satisfy* fire and life safety provisions.

Additional notes for Energy facilities or BESS:

- Access and working clearances for large emergency service vehicles to the “Electrical Transmission Area/ control room area” needs to be incorporated. This includes a reasonable clear and safe working environment.
- Servicing of the detection and suppression system within the racks will be maintained to the manufactures and to SA Ministerial Building Standard MBS 002 “Maintaining the performance of essential safety provisions” requirements and recorded.
- If a battery rack is required to be open at any time (including an emergency event), this will be done by the Company and/or its operator’s staff and not the Fire Service.

SACFS, as the referral agency, reserves the right to request additional information and provide further comment, under the Planning Development and Infrastructure Act and Regulations, in particular, but not limited to Regulation 45 (3) during the Building Rules approval process.

|                                                                                                                    |                                                                                                   |                    |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------|
| Prepared By:<br><br>Manager DAS | Signature:<br> | Date:<br>4/06/2025 |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------|



Our reference: A6907691

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[REDACTED]  
Manager – Environmental Regulation  
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Email: [REDACTED]  
[DEM.EnergyRegulation@sa.gov.au](mailto:DEM.EnergyRegulation@sa.gov.au)

[REDACTED]  
**Emeroo Battery Energy Storage System within the Bungala Solar Farm**

Thank you for the referral for the Emeroo Battery Energy Storage within the Bungala Solar Farm, in accordance with section 73 of the *Hydrogen and Renewable Energy Act 2023*.

As the authorised and delegated representative of the Minister for Primary Industries and Regional Development under section 73 of the *Hydrogen and Renewable Energy Act 2023*, I provide comments and feedback on the draft EIR and SEO (please see Attachment 1).

Should you require any further information, please contact the Office of the Chief Executive at [PIRSA.OCE@sa.gov.au](mailto:PIRSA.OCE@sa.gov.au) in the first instance.

Thank you for the opportunity to comment on this matter.

Yours sincerely

[REDACTED]  
[REDACTED]  
**CHIEF EXECUTIVE**

22 / 05 / 2025

Attachment 1: PIRSA response

Emeroo Battery Energy Storage System within the Bungala Solar Farm  
Department of Primary Industries and Regions South Australia (PIRSA) feedback

| PIRSA Lead: Georgie Cornish, Biosecurity, Executive Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Reference page of document                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------|
| <b>Environmental Impact Report</b><br><i>Livestock Act 1997</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                               |
| <ul style="list-style-type: none"> <li>- PIRSA is not aware of any livestock disease or residue issues associated with the land in scope.</li> <li>- PIRSA note that the land in scope has been assigned a Property Identification Code (PIC) under the <i>Livestock Act 1997</i>. This indicates that livestock may be present on or around the site for the Battery Energy Storage System (BESS). PIRSA note that the persons to whom the PIC is registered do not appear in the list of stakeholders that Potentia Energy consulted outlined on page 4 of the Emeroo BESS Consultation Report.</li> </ul> |  | Page 4 of the Emeroo BESS Consultation Report within the Environmental Report |
| PIRSA Lead: Peter Appleford, Executive Director, Major Programs and Regions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Reference page of document                                                    |
| <b>Statement of Environmental Objectives</b><br>Regional Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                               |
| Fire originating from the BESS facility – Include response for weather conditions that maybe experienced, i.e. during extreme and catastrophic days or to do with drought. Note SA has been experiencing extremely dry conditions with dust buildup on electrical equipment leading to arcing/sparking.                                                                                                                                                                                                                                                                                                      |  | Pg 8                                                                          |
| Decommissioning and Rehabilitation Plan to consider: <ul style="list-style-type: none"> <li>- Ensure leading practice in land rehabilitation, noting the arid environment and the time required for vegetation to reestablish.</li> <li>- Ensure the waste management hierarchy is addressed in the decommissioning, especially in recycling/reusing/recovery etc of materials and infrastructure before disposing. Are there any measures that can be taken during construction to prevent waste or enable the reuse, recycling and recovery?</li> </ul>                                                    |  | Pg 12 and 13                                                                  |
| <u>General comments:</u><br>The SEO does not outline any ongoing community engagement regarding the project, whilst there will be a complaints process, it is also important to consider having information on the project that can be shared with the community during the various stages, especially important in building community support for the project and future activities.                                                                                                                                                                                                                        |  |                                                                               |

## HRE Act – Emeroo BESS EIR and SEO AGENCY COMMENTS



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KC: MW:  
ES:  
CE:  
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DM: 1.5  
AS: 0.5  
JS: 1  
BD:

Raised by:  
SAALLB – South Australian Arid Lands Landscape Board **due 28<sup>th</sup> May 2025**

| Section   | Issue                                                  | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Raised by: | Response |
|-----------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|
| SEO & EIR | Weed management not mentioned in either the SEO or EIR | <p>In the SEO Table 2 (Pg. 11) – Detection of declared weeds is listed as a reportable incident. However, no detail has been given on if there are any planned surveys to monitor for weed incursions or weed spread. There are also no details or previous surveys so how will the detection of a declared weed be able to be attributed to resulting from a direct result of activities.</p> <p>Additionally, weed incursion / spread has not been listed in any of the tables as a potential impact event and thus, no mitigation strategies have been discussed.</p> <p>We suggest adding appropriate lines and considerations throughout both documents to detail how weed control will be monitored and managed. Actions such as car hygiene practices and staff training are imperative parts of effective declared weed management. This is especially important if company cars</p> | Ecology    |          |

## HRE Act – Emeroo BESS EIR and SEO AGENCY COMMENTS



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| Section   | Issue                                               | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Raised by: | Response |
|-----------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|
|           |                                                     | are driven in different parts of the state or up and down the highway regularly. Buffel grass is commonly found along Augusta Highway so spread of this weed should be considered.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            |          |
| SEO & EIR | Pest species not mentioned in either the SEO or EIR | <p>In the SEO Table 2 (Pg. 11) – Detection of declared pest animals is listed as a reportable incident. However, no detail has been given on if there are any planned surveys to monitor for pest animal presence.</p> <p>As above, we suggest adding in appropriate lines and considerations throughout both documents to detail how pest animals will be monitored and managed.</p> <p>We note that there is a waste management plan that will form part of the OMP (EIR - Section 4.3 Management Plans). We suggest that it is included in this plan, waste management will also be considered from the perspective that pest predator species (such as cats and foxes etc.) will not be attracted to the site or have access to waste.</p> | Ecology    |          |
| SEO & EIR |                                                     | We accept that surface water is not reasonably expected to be impacted by                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Water      |          |

## HRE Act – Emeroo BESS EIR and SEO AGENCY COMMENTS



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BD:

| Section | Issue | Comments                                                                                                                                                                                                                                                                                                                                                                               | Raised by: | Response |
|---------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|
|         |       | <p>the proposed activities and therefore hasn't been identified as an environmental objective/potential impact event.</p> <p>However, we are interested in knowing how frequently the identified ephemeral watercourses flow in the Bungala Solar Farm and how surface and stormwater flows are managed. Are there any learnings that will be applied to the current project area?</p> |            |          |

**From:** [REDACTED]  
**To:** [DEM:Energy Regulation](#)  
**Cc:** [REDACTED]  
**Subject:** RE: HRE Act Prescribed Act Referral - Request for comment, Application for Associated Infrastructure License, EIR/SEO, Emeroo BESS  
**Date:** Tuesday, 27 May 2025 2:28:25 PM  
**Attachments:** [image001.gif](#)

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[REDACTED]

It is noted that the EIR (Section 1.1) accurately describes the previous planning process and development approvals that have been granted for the Bungala Solar Farm and associated BESS options.

Thus, there are no concerns from a land use planning perspective with a larger BESS being approved for the subject site that is within the boundary of the solar farm and comprises cleared land (being the former site of the solar farm construction compound).

I have reviewed the EIR and SOE documents and support the conclusions that the proposal would result in minimal environmental impacts that could be adequately addressed via standard environmental management practices (i.e. in accordance with a CEMP, OEMP and Decommissioning & Rehabilitation Plan).

Regards,

[REDACTED]  
Senior Planning Officer  
Crown & Impact Assessment – Planning and Land Use Services  
Department for Housing and Urban Development  
T 08 7133 2379  
E [REDACTED]  
W [dhud.sa.gov.au](http://dhud.sa.gov.au)

Level 10, 83 Pirie Street, Adelaide SA 5000

The Department for Housing and Urban Development acknowledges First Nation people as the Traditional Owners of South Australian land and waters and we extend our respect to Elders past, present and emerging. We value and recognise the ongoing cultural heritage, beliefs and relationship First Nations peoples have with these lands and waters and the continuing importance of this today.

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Government of South Australia

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Aboriginal Affairs &  
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If calling, please ask for: [REDACTED]  
Telephone: [REDACTED]  
Document: **A2947470**

2 June 2025

[REDACTED]  
Manager – Environmental Regulation  
Department for Energy and Mining

By email only: [DEM.EnergyRegulation@sa.gov.au](mailto:DEM.EnergyRegulation@sa.gov.au)

Dear Mr Spencer

I refer to your email of 11 April 2025, on behalf of Potentia Energy (**Potentia**), to Aboriginal Affairs and Reconciliation (**AAR**) seeking comment on the adequacy of the Environmental Impact Report (**EIR**) and Statement of Environmental Objectives (**SEO**) prepared by AECOM Australia Pty Ltd for Potentia's proposed Emeroo Battery Energy Storage System (**BESS**) (**Project**).

AAR thanks DEM for the opportunity to provide comment on these documents in an Aboriginal heritage context. AAR's feedback is below:

Aboriginal consultation and heritage management

AAR acknowledges Potentia's previous and ongoing engagement with Bungarla Aboriginal Corporation (**BAC**) as landowners, as well as Nukunu Wapma Thura Aboriginal Corporation (**Nukunu**). Communication with the broader Aboriginal Community through the City of Port Augusta's Aboriginal Advisory Committee, and Port Augusta Community Outreach is also acknowledged. AAR commends the actions taken so far in engaging BAC, Nukunu and other Aboriginal parties about the Project.

The Project area sits entirely within the Bungala Solar Farm (**BS Farm**). Potentia states that the BS Farm has been operating under an Aboriginal Heritage Management Plan since 2017.

The Project will involve an unknown level of excavation. The EIR states that after obtaining approval for a previous design in 2021, Potentia is now proposing a larger footprint for the Project.

Potentia describes the existing environment of the Project area as having been disturbed during the construction of stage 1 of the BS Farm. The EIR identifies damage or disturbance of 'unregistered Aboriginal heritage sites, objects and/or other places' as a potential environmental impact during the construction phase of the Project.

AAR's central archives searches

AAR notes that searches of its central archives were undertaken for the broader Bungala Solar Farm project area from 2016 to 2018. Construction footprints of the BS Farm were

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adjusted to avoid Aboriginal sites that were reported to AAR by Potentia's consultant at the time in 2017. AAR notes that these reported sites do not intersect the Project area.

### Obligations under the *Aboriginal Heritage Act 1988 (SA)* and other legislation

As Potentia is aware:

- section 23 of the *Aboriginal Heritage Act 1988 (SA)* (Act) makes it an offence to damage, disturb and/or interfere with any Aboriginal sites, objects and remains (together, heritage) unless authorisations have been obtained from the Minister for Aboriginal Affairs.
- section 20 of the Act requires proponents to report any discoveries of Aboriginal heritage to AAR as soon as reasonably practical.

Table 8 of the EIR – Impact event ID 'AH1' – identifies the various control measures that Potentia will employ to manage Aboriginal heritage, importantly noting the requirement to seek authorisation under section 23 of the Act if any heritage cannot be avoided.

### AAR's feedback and recommendations

Table 8 of the EIR – Impact event ID 'AH1':

- in the 'Control measures' column, AAR notes that an 'Employ Risk management approach' would not be possible if heritage cannot be avoided. This measure should be amended to clarify that the approach would be limited to avoiding and protecting the heritage. This comment is also relevant to Table 1 of the SEO.
- in the 'Control measures' column, AAR recommends that Potentia considers including, as a control measure, the engagement of Aboriginal heritage monitors to observe ground-disturbing works.
- AAR recommends that a reference to reporting Aboriginal heritage be included. The reference should state that section 20 of the Act requires discoveries of heritage to be reported to AAR as soon as reasonably practical, and discoveries of potential human remains must be reported to SAPOL immediately via 131 444.
- both references to 'sites or objects' should be amended to read 'Aboriginal sites, objects or remains'.

Table 9 of the EIR – Impact ID 'AH1':

- in the 'Avoidance' column, if avoidance relates to the risk of unknown heritage within the Project area, then AAR suggests that the word 'No' here be amended to 'Unknown'. The current wording suggested that impacts to heritage are inevitable, which AAR does not consider to be Potentia's intent here.
- in the 'Cumulative Effects' column, the reference in this column to 'Aboriginal heritage values in the project area have already been disturbed due to the development of the Bungala Solar Farm' is unclear to AAR. Please clarify whether this is a reference to Aboriginal sites, objects or remains (and therefore a potential breach of section 23 of the Act) or other areas/landforms that may hold cultural sensitivity (e.g. waterways). This is an important difference that should be clarified (and the column amended if appropriate).

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Please see attached AAR's new factsheet '*A guide to Aboriginal heritage in South Australia*' which includes information about best-practice heritage management in South Australia. AAR encourages Potentia to consider the factsheet and amend Table 8 if appropriate.

Also attached is AAR's 'Aboriginal Heritage Discovery Protocols (no authorisation)' to assist proponents understand their obligations when undertaking ground-disturbing works without ministerial authorisation under the Act.

If you have any questions or wish to discuss this letter, do not hesitate to contact [REDACTED], Senior Project Officer (Heritage) either by email at [REDACTED] or by telephone on (08) [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

A/Manager Aboriginal Heritage  
**Aboriginal Affairs and Reconciliation**  
**Attorney-General's Department**

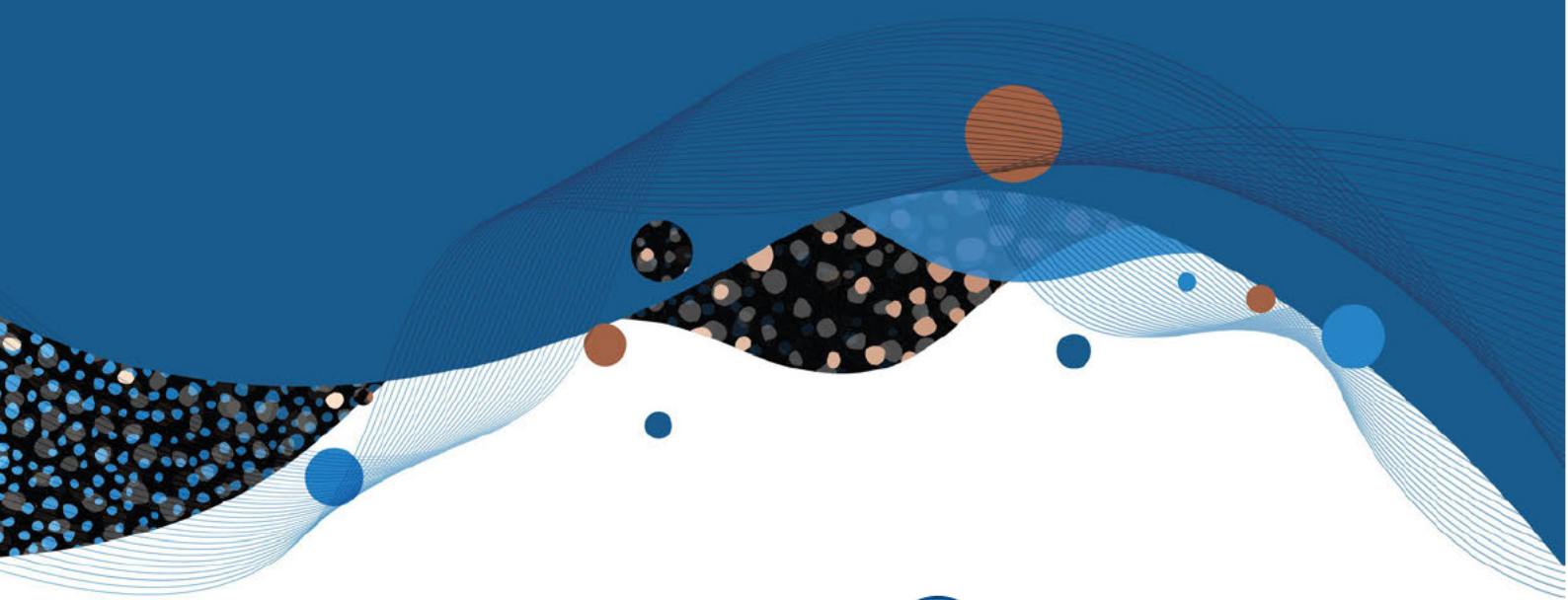
**Attachments:**

- Attachment 1: AAR's new factsheet '*A guide to Aboriginal heritage in South Australia*'
- Attachment 2: AAR's Aboriginal Heritage Discovery Protocols (no authorisation)

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# A guide to Aboriginal heritage in South Australia

Your responsibilities under the *Aboriginal  
Heritage Act 1988 (SA)*



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## Key acronyms

|                |                                                                                                                                                                                                                         |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AAR</b>     | Aboriginal Affairs and Reconciliation – the team within the Attorney-General's Department responsible for administering the Aboriginal Heritage Act on behalf of the Minister for Aboriginal Affairs in South Australia |
| <b>The Act</b> | Aboriginal Heritage Act 1988 (SA)                                                                                                                                                                                       |
| <b>RARB</b>    | Recognised Aboriginal Representative Body                                                                                                                                                                               |

# What is Aboriginal heritage?

Aboriginal heritage comprises the tangible and intangible expressions of Aboriginal culture. In South Australia, Aboriginal heritage reflects a rich history of Aboriginal connection to Country, from the deep past through to the present day.

Aboriginal heritage also connects Aboriginal people to ceremonies, traditions, stories and songlines – these associations are often linked to specific areas or features in the landscape.

The *Aboriginal Heritage Act 1988* (SA) (Act) protects:

- **Aboriginal sites** (i.e., areas of land) of significance according to Aboriginal tradition, archaeology, anthropology, or history
- **Aboriginal objects** of significance according to Aboriginal tradition, archaeology, anthropology, or history
- **Aboriginal remains**, being traditional and historic internments of Aboriginal people, but not remains buried in accordance with the law of the state.

Aboriginal heritage includes:

- areas of land that are of cultural, anthropological, traditional, historical or spiritual significance to Aboriginal people
- artefacts made of stone, wood or bone
- campsites and middens
- quarries
- culturally modified trees
- ancestral burials
- painted and engraved motifs
- stone arrangements
- historic sites such as missions, fringe camps, stations, and cemeteries.

## The importance of Aboriginal heritage

Aboriginal heritage is a vital link between the past and the present and between Aboriginal people and their ancestors. Aboriginal heritage demonstrates Aboriginal people's ancient and ongoing connections to Country, and the resilience and continuity of Aboriginal culture. For these reasons, Aboriginal heritage is **fundamental** to the wellbeing of South Australian Aboriginal communities.

Aboriginal heritage offers a glimpse into the deep past, allowing all Australians the opportunity to learn, share and celebrate how Aboriginal people made a home and thrived in South Australia at least as far back as 45,000 years before present.

## Legislative requirements

The *Aboriginal Heritage Act 1988* (SA) is the principal legislation protecting Aboriginal heritage in South Australia.

The protection of heritage forms part of Aboriginal people's traditional obligations to care for Country. Where an Aboriginal site is damaged, it generally cannot be repaired or replaced. In that sense, **Aboriginal heritage is a finite resource**.

Key provisions of the Act include:

- **section 21:** it is an offence for a person to excavate land for the purpose of uncovering any Aboriginal heritage without the authority of the Minister for Aboriginal Affairs
- **section 23:** it is an offence to damage, disturb or interfere with any Aboriginal heritage without the authority of the Minister for Aboriginal Affairs
- **section 29:** it is an offence to sell or dispose of an Aboriginal object, or to remove an Aboriginal object from the state without prior authorisation from the Minister for Aboriginal Affairs.

Serious criminal penalties may apply to individuals and companies found to have breached the Act. These include:

- fines up to \$2 million for companies
- fines up to \$250,000 and/or two years imprisonment for individuals
- forfeiture of any profits achieved by impacting heritage
- orders to remediate damage caused
- compensation orders to Traditional Owners.



Read the *Aboriginal Heritage Act 1988* in full on the [South Australian Legislation website](#).

## Likelihood of encountering Aboriginal heritage

All land in South Australia (including areas that have been previously developed) and land under water may contain Aboriginal heritage.

Some Aboriginal heritage can be easily identified in the landscape, such as culturally modified trees (including 'canoe trees'), stone arrangements, or engraved and painted motifs.

Other types of heritage may only be indicated by subtle features or changes in the landscape or may be obscured by vegetation or hidden beneath the ground's surface. Some heritage sites may exhibit little or no material evidence of their existence but are nonetheless well known to Traditional Owners and custodians of those sites.

While it is possible that Aboriginal heritage may be found anywhere in the landscape, certain landscape features or elements are more likely to be associated with Aboriginal heritage than others.

### Landscape features to look out for

Examples of landscape features and the types of Aboriginal heritage that they are often associated with are listed below:

- **areas in proximity to creeks, rivers, watercourses, lakes, waterholes, claypans, rock holes, wells, and springs:** may be associated with Aboriginal campsites, stone artefact sites, shell middens, painted or engraved motifs, stone arrangements, ancestral burials, and other signs of Aboriginal occupation
- **dunes and sand hills:** may be associated with stone artefact sites, Aboriginal campsites, and burials
- **areas near the coast:** may include campsites, stone artefact scatters, shell middens, and burials
- **rocky outcrops:** may be associated with stone quarries, painted and engraved motifs, rock holes, stone arrangements, ceremonial sites, and stone artefact sites.

Certain landscape features may hold cultural, traditional, or anthropological significance, beyond what is readily visible to the observer. This information may be considered confidential or secret by Traditional Owners and may also be subject to gender, initiation or other restrictions.



It is important that any heritage assessments of a project area involve Traditional Owners with knowledge of the area, as well as qualified and experienced archaeologists and anthropologists.

## Managing Aboriginal heritage for projects

The *Aboriginal Heritage Act 1988* protects Aboriginal heritage and requires prior approval for any activities that may excavate, damage, disturb or interfere with Aboriginal heritage.

Before undertaking project activities that may impact Aboriginal heritage, you should:



**Request a search of AAR's central archives** early in the project planning phase



**Engage and consult with the Recognised Aboriginal Representative Body (RARB)**, where appointed or, in any other case, relevant native title bodies, Aboriginal heritage organisations, and/or individual Traditional Owners



**Arrange a heritage survey or assessment** for the project area and follow the recommendations of Traditional Owners and heritage professionals.

All Aboriginal heritage **must** be avoided during project works - undertaking the above steps will place you in a better position to understand the risks and your obligations under the Act.

Where impacts to Aboriginal heritage cannot be avoided – or you consider there is an unacceptable risk of discovering Aboriginal heritage and impacting it – you must obtain the relevant authorisations under the Act from the Minister for Aboriginal Affairs.



Excavating, damaging, disturbing and/or interfering with Aboriginal heritage without prior authorisation under the Act is an offence – even if you did not intend to cause the damage.

If Aboriginal heritage is discovered during your project, you must report it to the Minister for Aboriginal Affairs. You may also need to obtain an authorisation if the heritage cannot be avoided.

Penalties apply for failing to report heritage discoveries and for impacting Aboriginal heritage without authorisation.



## Searching the central archives

The central archives are administered by AAR on behalf of the Minister for Aboriginal Affairs. They contain records of Aboriginal sites, objects, and remains across South Australia.

You should request a search of the central archives for your project area, **prior** to conducting any works, and regularly during ongoing projects.

The results of this search will show the indicative location of Aboriginal heritage known to AAR within the search area(s) and will also provide contact details for Aboriginal parties with a known or expressed interest in the search area.

The central archives are not an exhaustive record of Aboriginal heritage in South Australia. Undiscovered or unrecorded Aboriginal heritage may still exist within a search area, even if it is not recorded in the archives. This can also be the case even where the area has been affected by past activities (such as building construction, or long-term agricultural use).

Requests for searches of the central archives can be made by visiting: [taawika.sa.gov.au](https://taawika.sa.gov.au).

For further information about undertaking a search of the central archives, contact:



### Aboriginal Affairs and Reconciliation

(08) 7322 7057

[AAR.HeritageSites@sa.gov.au](mailto:AAR.HeritageSites@sa.gov.au)

Central archives search requests may take several weeks to be finalised. Central archives search requests should be lodged early in the project planning process.

## Local archives

Aboriginal groups and some heritage consultants also hold local archives, including historic reports from previous heritage surveys, which contain important Aboriginal heritage information not held in the central archives.

This is another reason why you should engage early with representative bodies such as a RARB (where appointed) or, in any other case, relevant native title bodies, Aboriginal heritage organisations and/or individual Traditional Owners.



## Engaging and consulting with Aboriginal people and organisations

You are strongly encouraged to contact the RARB for the project area, where one is appointed. Where no RARB is appointed for the project area, you should contact and consult with the relevant native title body or bodies and/or any Aboriginal organisations and Traditional Owners with an interest in the area.

AAR's central archives search results will provide contact details for Aboriginal organisations who have advised AAR that they represent, or have an interest in, the specified search area.

Early consultation allows for relevant Aboriginal people, including Traditional Owners, to learn about the project and to provide feedback. This feedback may include information on whether specific elements of the project pose particular risk to known or unknown Aboriginal heritage.

Importantly, early engagement may allow you to design your project in a way that does not impact heritage, potentially minimising project costs and delays.

Early engagement of Aboriginal people is culturally respectful and is strongly recommended in all instances. Where no RARB is appointed, you may need to consult with more than one Aboriginal organisation for your project area.

### Native title

The *Aboriginal Heritage Act 1988* (SA) and the *Native Title Act 1993* (Cth) are separate legislative regimes.

This guide does not address obligations under the *Native Title Act*, such as a requirement for an Indigenous Land Use Agreement. However, an Indigenous Land Use Agreement may be submitted for approval to the Minister for Aboriginal Affairs under Division A2 of the *Aboriginal Heritage Act 1988* (SA). Visit the [Attorney-General's Department website](#) for more information.



Native title bodies or Traditional Owners **cannot** authorise impacts to Aboriginal heritage in South Australia – only the Minister for Aboriginal Affairs can do so in accordance with the Act.



### Arranging an Aboriginal heritage assessment

In addition to the above steps, you should consider engaging one or more qualified heritage professionals (such as archaeologists and anthropologists) to undertake a heritage assessment of your interest area, in consultation with Traditional Owners.

**Archaeologists** are trained at identifying and recording archaeological and historical objects and sites, i.e. tangible material culture made or modified by Aboriginal people.

**Anthropologists** specialise in consulting with Traditional Owners and recording information about stories, songlines, histories, ceremonies, and traditions.

You should consider the risk that your project may pose to recorded, known and unknown Aboriginal heritage. Once you have searched the central archives, the most effective way to do this is to engage heritage professionals (ideally an archaeologist and an anthropologist) to undertake an assessment of the project area together with Traditional Owners.

Heritage assessments serve a variety of purposes, but are mostly commissioned to:

- identify Aboriginal heritage within a given area
- assess the risk that project works may impact or encounter Aboriginal heritage
- provide recommendations for the appropriate management of Aboriginal heritage.

## Heritage surveys

The most common and effective type of heritage assessment is a heritage survey. Heritage surveys involve the physical inspection of an area to identify Aboriginal heritage so that it can be recorded and avoided.

While many heritage surveys are undertaken on-foot by a survey team, some surveys may have a vehicular component. Some surveys may even rely on helicopters to access remote areas or to assess large tracts of land for its potential anthropological significance.

A best-practice heritage survey involving Traditional Owners and an archaeologist and anthropologist should identify both archaeological and anthropological (also termed ethnographic) heritage within the survey area. Heritage surveys should be attended by Traditional Owners and qualified heritage professionals, who are skilled in identifying and recording Aboriginal heritage.



A heritage survey or inspection should be undertaken early in the planning stage of a ground-disturbing project.

This will ensure that any Aboriginal heritage identified within the project area can be avoided through thoughtful planning or, where avoidance is not possible, authorised impacts to Aboriginal heritage are minimised.

## Other kinds of heritage assessments

While on-ground heritage surveys are recommended in most instances, a heritage professional may also be engaged to prepare a preliminary desktop report, carry out a targeted heritage inspection, or develop a risk/impact assessment.

Each serves a different purpose, and some assessments will be more useful than others depending on the nature of the proposed works and the potential risks that they pose.

These activities may be undertaken prior to, in tandem with, or instead of, a heritage survey.

When deciding what kind of heritage assessment is required, you should consider:

- the views of the RARB/native title body/Aboriginal organisation/Traditional Owners/custodians, recognising that Aboriginal people are the primary source of information about their heritage and are best placed to decide how it should be assessed, managed and protected
- the nature and extent of the project
- previous land use and the extent of historic disturbance in the area
- the results of AAR's central archives search results
- results of previous heritage assessments undertaken on the land, where available
- the likelihood that additional unrecorded Aboriginal heritage may exist within the project area.

## Outcomes of a heritage assessment

All heritage surveys and assessments should result in a report or similar documentation that lays out the:

- methodology used during the assessment
- outcomes from consultation with Traditional Owners of heritage (and any other relevant Aboriginal people or organisations)
- nature and the extent of all Aboriginal heritage identified (subject to any cultural restrictions).

A good heritage survey or assessment should also identify any areas within the study area that pose a higher risk of containing undiscovered Aboriginal heritage.

Measures should also be recommended for protecting all identified heritage, ensuring any undiscovered heritage is avoided during and after project works, and outlining how heritage discoveries should be dealt with.

## Engaging heritage professionals

Qualified heritage professionals are trained to assess the risk that a project may pose to recorded, known and unknown Aboriginal heritage.

You should assess the suitability of a consultant by:

- determining their level of relevant experience in the project area and/or surrounds
- seeking the views of the RARB, where appointed or, in any other case, relevant native title bodies, Aboriginal heritage organisations and/or individual Traditional Owners on their suitability for the work
- seeking references from other proponents
- reviewing recent examples of their work.

Visit the [Attorney-General's Department](#) website for further information.

# Avoiding and protecting Aboriginal heritage

Where possible, projects should be relocated or re-engineered to avoid impacts to Aboriginal heritage.

You will be in a better position to avoid and protect heritage during your project after considering:

- the results of a central archives search
- outcomes of engagement with the RARB where appointed, or in any other case, relevant native title bodies, Aboriginal heritage organisations and/or individual Traditional Owners and custodians about the project
- the results and recommendations of any heritage assessments undertaken over the project area.

## Agreements and authorisations

If relocation or re-engineering your project to avoid impacts to Aboriginal heritage is not possible, you may be legally required to hold a relevant authorisation or approval, or otherwise be party to an appropriate agreement under the Act.

There are three ways to do this:

- through a Local Heritage Agreement with a RARB that has been approved under the Act
- through another type of agreement with an Aboriginal body under different legislation that is approved under the Act (e.g., an Indigenous Land Use Agreement)
- with authorisation under the Act from the Minister for Aboriginal Affairs.

Seeking an authorisation should only be considered after early engagement with relevant Aboriginal parties to explore the first two options.

Visit the [Attorney-General's Department website](#) for further information on agreements and authorisations under the Act.

For further information on managing Aboriginal heritage, please contact:



### Aboriginal Affairs and Reconciliation

(08) 7322 7057

[aar.heritage@sa.gov.au](mailto:aar.heritage@sa.gov.au)

*This factsheet is provided for general guidance purposes only. It is not legal advice and adherence to it does not guarantee compliance under the Aboriginal Heritage Act 1988 (SA).*

# Aboriginal Ancestral Remains Discovery Protocol

Use this protocol if you do not hold an authorisation under the *Aboriginal Heritage Act 1988*.

Any reference to Aboriginal Affairs and Reconciliation (AAR) is also a reference to the relevant Minister or their delegate.

Responsible parties

You

SA Police

## 1. Discovery of suspected skeletal remains

## 2. Immediately stop all works within the Discovery Zone

- Isolate all spoil/material associated with the discovery.
- Project works may continue in other areas
- Consider implementing an avoidance area that includes the Discovery Zone and surrounds

## 3. Report discovery to SA Police – call 131 444

- This is required under the *Coroners Act 2003 (SA)*

## 4. SA Police investigation

- The immediate area will be under the control of SA Police until further notice.
- SA Police and Forensic Science SA will determine if the remains are human.

### 4.1 Ancestral remains found

- **No project works permitted** within the Discovery Zone.
- Take the following steps to contact AAR.

### 4.2 Not human remains

- If remains are not human skeletal remains, the area reverts to your responsibility.
- Project works may resume.

Animal remains – found together with Aboriginal objects or cultural materials may indicate the presence of an Aboriginal site. Refer to the **Aboriginal Sites and Objects Discovery Protocol**

### 4.3 Human remains found

- If skeletal remains are found but **are not ancestral**, the area continues to be under SA Police control.

## 5. Notify AAR

- Notify AAR of the discovery
- Include details, like:
  - the location
  - a description of the discovery
  - scale photographs where appropriate.

## 6. Advise Aboriginal Parties

- AAR will encourage you to contact the relevant Aboriginal parties about the discovery.
- AAR will provide you with the contact details.
- You should notify the Aboriginal Parties of your discovery **within 2 days** of receiving their contact details.
- Seek any recommendations on avoiding or protecting the discovery from them.

## 7. Engage a professional

- Depending on the extent and nature of the discovery, AAR may encourage you to engage a **qualified heritage professional**.
- They will provide recommendations, in consultation with the Aboriginal Parties where possible, on avoiding or protecting the discovery.

## 8. Implement measures

- You should implement measures to avoid or protect the discovery
- Do this in consultation with the Aboriginal Parties (and qualified heritage professional if engaged).
- These measures could include installing bunting around a discovery zone
- Comply with a **Cultural Heritage Management Plan**, where one has been developed.

A **Cultural Heritage Management Plan (CHMP)** is a document developed by a qualified heritage consultant together with relevant Traditional Owners and you. The aim of a CHMP is to ensure appropriate management of Aboriginal sites, objects and remains within a specific area, in the context of a particular project.

Please note however that CHMPs do not have any formal status under the *Aboriginal Heritage Act 1988 (SA)*.

Even where a CHMP has been specifically prepared to deal with heritage within a project area, it does not afford you any legal authority to impact Aboriginal heritage.



## 9. Seek authorisation

- If the **remains cannot be avoided** by project redesign, you should seek authorisation from the Minister for Aboriginal Affairs.
- It is an offence to excavate, damage, disturb (including relocating the site or objects with or without Traditional Owners), interfere or damage the discovered heritage

# Aboriginal Sites and Objects Discovery Protocol

Use this protocol if you **do not hold an authorisation** under the *Aboriginal Heritage Act 1988*.

Any reference to Aboriginal Affairs and Reconciliation (AAR) is also a reference to the relevant Minister or their delegate.

## 1. A suspected Aboriginal site or object is found



If the discovery includes skeletal remains, follow the **Aboriginal Ancestral Remains Discovery Protocol**

## 2. Immediately stop all works within the Discovery Zone

- This is the visible extent of the discovery.
- Isolate all spoil or material associated with the discovery.
- Consider implementing an avoidance area that includes both the Discovery Zone and the area immediately surrounding it.
- Project works may continue in other areas.

## 3. Notify AAR

- Notify AAR of the discovery
- Include details, like:
  - the location
  - a description of the discovery
  - scale photographs where appropriate.

## 4. Advise Aboriginal Parties

- AAR will encourage you to contact relevant Aboriginal parties about the discovery.
- AAR will provide you with the contact details.
- You should notify the Aboriginal Parties of your discovery **within 2 days** of receiving their contact details.
- Seek their advice on whether the discovery is Aboriginal heritage and recommendations for avoiding/protecting it.

## 5. Engage a professional

- Depending on the extent and nature of the discovery, AAR may encourage you to engage a **qualified heritage professional**.
- They will provide advice, in consultation with the Aboriginal Parties where possible, on whether the discovery is Aboriginal heritage and recommendations for avoiding/protecting it.

## 6. Implement measures

- You should implement measures to avoid or protect the discovery
- Do this in consultation with the Aboriginal Parties (and qualified heritage professional if engaged).
- These measures could include installing bunting around a discovery zone
- Comply with a **Cultural Heritage Management Plan**, where one has been developed.



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A **Cultural Heritage Management Plan (CHMP)** is a document developed by a qualified heritage consultant together with relevant Traditional Owners and you. The aim of a CHMP is to ensure appropriate management of Aboriginal sites, objects and remains within a specific area, in the context of a particular project.

Please note however that CHMPs do not have any formal status under the *Aboriginal Heritage Act 1988* (SA).

Even where a CHMP has been specifically prepared to deal with heritage within a project area, it does not afford you any legal authority to impact Aboriginal heritage.



DEW-D0031096

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Dear ██████████

**Project:** Emeroo Battery Energy Storage System (BESS)  
**Application:** Associated Infrastructure Licence  
**Applicant:** Potentia Energy (formerly Enel Green Power Australia)  
**Location:** A 100, DP 163829, CT 5313/872, 10 km north-east of Port Augusta

Thank you for your invitation dated 11 April 2025 to comment on the abovementioned application pursuant to the *Hydrogen and Renewable Energy Act 2003* (HRE Act) from Potentia Energy for an Associated Infrastructure Licence (AIL) to develop the Emeroo Battery Energy Storage System (BESS).

The Department for Environment and Water (DEW) has reviewed the environmental impact report (EIR) and statement of environmental objectives (SEO) from the applicant, and provide the following comments for your consideration:

### **Native Vegetation Clearance**

DEW notes that previous clearance consent was provided by the Native Vegetation Council to Reach Solar Energy Management Company Pty Ltd on behalf of Bungala Solar Holdings Pty Ltd on 28 February 2017 for the Bungala Solar Farm that included the project site for the proposed Emeroo BESS. The Regulations (Reg 8(9)) allows for regrowth to be cleared within 5 years of the original clearance consent or within 5 years of subsequent clearance of regrowth.

### **Biodiversity Values and Threatened Species**

The Australian Government's Protected Matters Tool identifies multiple threatened species and migratory species that could potentially occur in the project site, including Southern Whiteface (*Aphelocephala leucopsis*) (Vulnerable – *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)) and Blue-winged Parrot (*Neophema chrysostoma*) (Vulnerable - EPBC Act). Whilst the land is predominantly cleared, DEW expects that the potential presence of any of these species and *National Parks and Wildlife Act 1972* (NPW

Act) threatened species at the project site be adequately addressed in the EIR and SEO under the HRE Act.

**EIR commentary:**

- DEW queries components of the EIR, as detailed below and would like to understand how the applicant has made assessments to consider the EPBC Act and NPW Act threatened and migratory species. It would be helpful if the applicant could provide a copy of the AECOM 2024 desktop ecology study (referred to in Section 7.2.11 of the EIR) to DEW for a greater understanding of this assessment.
  - In Section 7.2 “Scoping – Desktop assessment of environmental elements” under sub-section 7.2.11 “Native flora, fauna and sensitive ecosystems” (Pg 21) it is stated that “there are no listed threatened flora or fauna species that are likely to occur within the Project Area” and “There are two species of bird listed as migratory under EPBC Act that have the potential to overfly the Project Area, however these species do not have appropriate habitat within the Project Area and therefore are not considered to be impacted by the project”.
  - In Section 7.2.15 “Summary of Scoping Study”, Table 5 – “Elements of the environment that can be reasonably expected to be effected by the proposed activities” (Pg 22) under the heading “Element of the environment” and the “Native fauna, flora and sensitive ecosystems” the applicant states that there is no impact and other areas of this element are responded to as not applicable.

**SEO commentary:**

- In Section 4. “Environmental Objectives and Assessment Criteria”(Pg 6), similarly to the EIR, the SEO has omitted flora and fauna as well as weed impacts. DEW suggests this also be further considered for inclusion and adequately addressed.
- It is noted that the immediately reportable incidents are adequate which includes the detection of declared weed, animal or pathogen and removal of threatened flora and fauna. Whilst outside of DEW’s remit, it is further noted that there are 2 weeds of significance (Buffel Grass and African Boxthorn) that may require additional control measures in addition to vehicle hygiene.

**State Heritage**

**EIR commentary:**

A State Heritage Place being “The Ostrich Farm” at Emeroo Station (SHP ID: 12702 <sup>1</sup>) is located across several parcels of land, including at the Emeroo BESS proposed location and the existing Bungala Solar Farm. The heritage elements for this SHP include fencing posts and gates associated with the ostrich farm.

The EIR states that there are no known heritage values on the project site. DEW’s Heritage SA Branch (DEW - Heritage) is concerned that heritage elements remain on the Emeroo BESS project site that need to be identified and protected.

Previously DEW - Heritage had communicated with the Bungala Solar Farm in 2017 regarding a development application where photos were provided (see Enclosure 1) showing potential heritage fencing on site.

DEW - Heritage request confirmation from the applicant that the proposed development will not impact any remnant heritage fencing. This could be provided in the form of photos, accompanied with a map clearly showing where each photo was taken.

DEW – Heritage further requires any contractors working on the construction of the BESS to be made aware of the following requirements of the *Heritage Places Act 1993*, due to the area being a listed State Heritage Place:

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

The DEW's Heritage SA Branch can be contacted on (08) 8372 7521 or email:

[DEW.StateHeritageDA@sa.gov.au](mailto:DEW.StateHeritageDA@sa.gov.au)

#### **Wildlife Permits**

DEW requests the applicant be advised that during each stage of this proposed development and any investigations or assessments on the project site, should the applicant need to catch, move, relocate or destroy any protected animal or eggs, the applicant is required to apply for a permit under South Australian legislation. Further information can be obtained at DEW's website to apply for a permit to manage, control or destroy wildlife at:

<https://www.environment.sa.gov.au/licences-and-permits/wildlife-permits/permit-types/manage-control-destroy-native-animals>

For further information please contact [REDACTED] Coordinator Assessments, Planning and Assessment on [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]  
Director, Planning, Heritage and Dog & Cat Management  
4 / 06 / 2025

Encl: 1. Photos of heritage fence elements provided by Bungala Solar Farm

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<sup>i</sup>SHP ID: 12702 known as Former Ostrich Farm, Emeroo Station including Original Homestead, Ruins of Hatching Shed, Exotic Plants and Ostrich Fences

**Enclosure 1**

State Heritage Place – The Ostrich Farm at Emeroo Station (SHP ID: 12702 <sup>\*i</sup>)

Photos of heritage fence elements for State Heritage Place – Ostrich Farm – Emeroo  
Provided by Bungala Solar Farm in 2017 (Reference DEW-D0031096)



<sup>\*i</sup> SHP ID: 12702 known as Former Ostrich Farm, Emeroo Station including Original Homestead, Ruins of Hatching Shed, Exotic Plants and Ostrich Fences



## **Appendix B – Responses to submissions received (excerpt from EIR)**

| Agency                                                                  | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aboriginal Affairs & Reconciliation<br>Attorney-General's<br>Department | <p>Provided general comments in relation to:</p> <ul style="list-style-type: none"> <li>• Potentia's previous and ongoing engagement with BAC, Nukunu the broader Aboriginal Community and other Aboriginal parties.</li> <li>• The existing Aboriginal Heritage Management Plan for Bungala Solar Farm.</li> <li>• The unknown level of excavation required and increase in footprint size since approval for a previous design in 2021.</li> <li>• Project area's previous disturbance during construction of stage 1 BS Farm.</li> <li>• Identification of potential environmental impacts during construction</li> <li>• Project area does not interact with any Aboriginal sites on the AAR central archives</li> <li>• Obligations under the AHA (Section 23, Section 20).</li> </ul>                                                                                                                                                                                                                                                                                                                  | Comments noted – No action required.                                                                                                                                                                                                                           |
|                                                                         | <p>Recommended the following for ID AH1 in Table 8 of the EIR:</p> <ul style="list-style-type: none"> <li>• in the 'Control measures' column, AAR notes that an 'Employ Risk management approach' would not be possible if heritage cannot be avoided. This measure should be amended to clarify that the approach would be limited to avoiding and protecting the heritage. This comment is also relevant to Table 1 of the SEO.</li> <li>• in the 'Control measures' column, AAR recommends that Potentia considers including, as a control measure, the engagement of Aboriginal heritage monitors to observe ground-disturbing works.</li> <li>• AAR recommends that a reference to reporting Aboriginal heritage be included. The reference should state that section 20 of the Act requires discoveries of heritage to be reported to AAR as soon as reasonably practical, and discoveries of potential human remains must be reported to SAPOL immediately via 131 444.</li> <li>• both references to 'sites or objects' should be amended to read 'Aboriginal sites, objects or remains'.</li> </ul> | <p>Amend as recommended with the exception of the second dot point relating to monitoring.</p> <p>In recognition of the highly disturbed site, a reference to be added that all ground disturbance work will be undertaken in accordance with agreed AHMP.</p> |

| Agency                                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | <p>Recommended the following for ID AH1 in Table 9 of the EIR:</p> <ul style="list-style-type: none"> <li>in the 'Avoidance' column, if avoidance relates to the risk of unknown heritage within the Project area, then AAR suggests that the word 'No' here be amended to 'Unknown'. The current wording suggested that impacts to heritage are inevitable, which AAR does not consider to be Potentia's intent here.</li> <li>in the 'Cumulative Effects' column, the reference in this column to 'Aboriginal heritage values in the project area have already been disturbed due to the development of the Bungala Solar Farm' is unclear to AAR. Please clarify whether this is a reference to Aboriginal sites, objects or remains (and therefore a potential breach of section 23 of the Act) or other areas/landforms that may hold cultural sensitivity (e.g. waterways). This is an important difference that should be clarified (and the column amended if appropriate).</li> </ul> | Amend as recommended.                                                                                                                                                                                                                                                                                              |
| Department of Primary Industries and Regions | <p>Noted the following in relation to the <i>Livestock Act 1997</i> (relevant to Consultation Report and Environmental Report):</p> <ul style="list-style-type: none"> <li>PIRSA is not aware of any livestock disease or residue issues associated with the land in scope.</li> <li>PIRSA note that the land in scope has been assigned a Property Identification Code (PIC) under the <i>Livestock Act 1997</i>. This indicates that livestock may be present on or around the site for the Battery Energy Storage System (BESS). PIRSA note that the persons to whom the PIC is registered do not appear in the list of stakeholders that Potentia Energy consulted outlined on page 4 of the Emeroo BESS Consultation Report.</li> </ul>                                                                                                                                                                                                                                                   | <p>The BESS is to be constructed on cleared land within the existing solar farm and will not impact on existing grazing activities. Potentia will undertake consultation separately and during the construction process with persons to whom the PIC is registered to, as required.</p> <p>No action required.</p> |
|                                              | <p>Noted the following relevant to the SEO, page 8:</p> <ul style="list-style-type: none"> <li>Fire originating from the BESS facility – Include response for weather conditions that maybe experienced, i.e. during extreme and catastrophic days or to do with drought. Note SA</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Text to be added to the Achieving Objectives column of Impact ID AQ2 recommending additional considerations for high fire danger days.                                                                                                                                                                             |

| Agency                                               | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                      | has been experiencing extremely dry conditions with dust buildup on electrical equipment leading to arcing/sparking.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                      | Decommissioning and Rehabilitation Plan to consider (SEO, page 12 and 13): <ul style="list-style-type: none"> <li>• Ensure leading practice in land rehabilitation, noting the arid environment and the time required for vegetation to reestablish.</li> <li>• Ensure the waste management hierarchy is addressed in the decommissioning, especially in recycling/reusing/recovery etc of materials and infrastructure before disposing. Are there any measures that can be taken during construction to prevent waste or enable the reuse, recycling and recovery?</li> </ul> | Comments noted - to be addressed as part of the OEMP and the Decommissioning and Rehabilitation Plan, including any measures to prevent waste or enable reuse, recycling and recovery.<br><br>No action required.                                                                                                                                                                                                                                            |
|                                                      | General comment:<br><br>The SEO does not outline any ongoing community engagement regarding the project, whilst there will be a complaints process, it is also important to consider having information on the project that can be shared with the community during the various stages, especially important in building community support for the project and future activities.                                                                                                                                                                                               | The SEO is not required to address general ongoing community engagement, pursuant to the HRE Act/Regulations.<br><br>It is noted that Potentia Energy are active in the community and regularly engage with relevant stakeholders and the community in relation to the Bungala Solar Farm which includes various Create Shared Value initiatives (refer to Consultation Report). This will continue in association with the BESS.<br><br>No action required. |
| <b>South Australian Country Fire Service (SACFS)</b> | Provided general comments in relation to: <ul style="list-style-type: none"> <li>• Bushfire Hazard Overlay, Fire Response Capability and Land Use.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                   | Comments noted – No action required.                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                      | Provided design recommendations in relation to: <ul style="list-style-type: none"> <li>• Siting – establishment of an Asset Protection Zone and location of infrastructure at a minimum distance of 17 m from property boundaries or existing remnant vegetation.</li> </ul>                                                                                                                                                                                                                                                                                                    | Design recommendations will be addressed as part of the detailed design process and OEMP.<br><br>Reference to establishing a Bushfire Management Plan and Emergency Management Plan to be added                                                                                                                                                                                                                                                              |

| Agency                                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                                   | <ul style="list-style-type: none"> <li>Access/Egress – internal road networks should achieve compliance with relevant hazard overlay, roads should be a minimum width of 6 m and include adequate separation.</li> <li>Access/Egress roads on the project site – should achieve adequate separation, meet design and manoeuvring requirements, and any other safety measures prescribed by the National Construction Code.</li> <li>Vegetation Management – vegetation management zone within Asset Protection Zone including management of understorey vegetation, grasses and dead vegetation.</li> <li>Water Supply – inclusion of static fire water tanks in accordance with SA Fire Service Policy 14 requirements.</li> <li>Emergency Response Planning – establishment of a Bushfire Management Plan and Emergency Management Plan to be established, on-site training and site inductions for emergency service personnel.</li> <li>Building Considerations and BESS – comply with National Construction Code, incorporation of additional notes for energy facilities or BESS including clearances for large emergency service vehicles, servicing of detection and suppression systems, and use of correct personnel to open battery rack.</li> </ul> | to associated EIR/SEO impact ID AQ2 as a subplan to the OEMP/CEMP.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Department for Environment and Water (DEW)</b> | <p>Provided the following notes related to native vegetation, biodiversity values and threatened species:</p> <ul style="list-style-type: none"> <li>Previous clearance consent was provided by NVC for the Bungala Solar Farm that included part of the Emeroo BESS site. Regulation 8(9) allows for regrowth to be cleared within 5 years of the original clearance consent or within 5 years of subsequent clearance of regrowth.</li> <li>DEW expects that the potential presence of any EPBC and NPW Act listed species is adequately addressed in the EIR and SEO under the HRE Act.</li> </ul> <p>Recommends the following:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Comments noted.</p> <p>Submission of AECOM desktop report is not considered to be required as the key outcomes are provided/summarised in EIR. As the site has been cleared and developed, potential impacts to native and listed species have not been identified.</p> <p>In response to the management of weeds of significance, and Impact ID/Objective relating to weed and pest incursion will be included in EIR &amp; SEO. It is noted that the specific weed management measures will be addressed in CEMP/OEMP.</p> |

| Agency                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                       | <ul style="list-style-type: none"> <li>Provide a copy of the AECOM 2024 desktop ecology study to DEW for greater understanding of statements made in section 7.2 and 7.2.15 (EIR).</li> <li>Further consideration of flora, fauna and weed impacts in SEO section 4.</li> <li>Noted that 2 weeds of significance (Buffel Grass and African Boxthorn) that may require additional control measures in addition to vehicle hygiene.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                       | <p>Provides the following notes in relation to state heritage:</p> <ul style="list-style-type: none"> <li>State Heritage Place (The Ostrich Farm, SHP ID 12702) is located across several parcels of land including at the Emeroo BESS location, and includes fencing posts and gates.</li> <li>DEW is concerned that heritage elements remain on the Emeroo BESS site that need to be identified and protected.</li> <li>Photos have been provided showing potential heritage fencing at the Bungala Solar Farm (provided in Enclosure 1).</li> </ul> <p>Requests the following:</p> <ul style="list-style-type: none"> <li>Confirmation that the proposed development will not impact any remnant heritage fencing, could be provided in the form of photos with a map showing location of each photo.</li> <li>Contractors working on construction of the BESS to be made aware of requirements of the Heritage Places Act 1993 (including stop works protocol, notification of SA Heritage council, permits).</li> </ul> | <p>The Ostrich Farm, SHP ID 12702 boundary is extensive as it aligns with cadastral boundaries referenced in the listing rather than the specific location of remnant items associated with the listing.</p> <p>No elements of the State Heritage Place exist on or adjacent to the site, noting the BESS site consists of developed, cleared land.</p> <p>It is noted that the images provided in Enclosure 1 do not have any reference to location, however, these do not exist within/adjacent the site.</p> <p>Relevant find procedures and requirements, pursuant to the <i>Heritage Places Act 1993</i> will be incorporated included in the CEMP.</p> <p>No action required.</p> |
|                                       | <p>Provides the following note in relation to wildlife permits:</p> <ul style="list-style-type: none"> <li>Should the applicant need to catch, move, or relocate or destroy any protected animal or eggs, application of a permit is required under SA legislation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>This requirement can be included/addressed in the CEMP/OEMP.</p> <p>No action required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Planning and Land Use Services</b> | Reviewed the EIR and SOE documents and supports the conclusions that the proposal would result in minimal environmental impacts that could be adequately addressed via standard environmental                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Noted – No action required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Agency                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                  |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | management practices (i.e. in accordance with a CEMP, OEMP and Decommissioning & Rehabilitation Plan).                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                           |
| <b>South Australian Arid Lands Landscape Board (SALB)</b> | <p>Recommended the following in relation to weed management:</p> <ul style="list-style-type: none"> <li>Adding appropriate lines detailing how weed control will be monitored and managed. Actions such as car hygiene practices and staff training are imperative parts of effective declared weed management. This is especially important if company cars are driven in different parts of the state or up and down the highway regularly. Buffel grass is commonly found along Augusta Highway so spread of this weed should be considered.</li> </ul> | Impact ID/Objective relating to weed and pest incursion to be included in the EIR & SEO. It is noted that the specific weed management measures will be addressed in CEMP/OEMP.                                                           |
|                                                           | <p>Recommended the following in relation to pest management:</p> <ul style="list-style-type: none"> <li>Adding appropriate lines detailing how pest animals will be monitored and managed. Note that there is a waste management plan that will form part of the OMP (EIR - Section 4.3 Management Plans). We suggest that it is included in this plan, waste management will also be considered from the perspective that pest predator species (such as cats and foxes etc.) will not be attracted to the site or have access to waste.</li> </ul>       | Impact ID/Objective relating to weed and pest incursion to be included in the EIR & SEO. It is noted that the specific pest management measures will be addressed in CEMP/OEMP.                                                           |
|                                                           | Noted that surface water is not reasonably expected to be impacted by the proposed activities and therefore hasn't been identified as an environmental objective/potential impact event, however are interested in knowing how frequently the identified ephemeral watercourses flow in the Bungala Solar Farm and how surface and stormwater flows are managed. Are there any learnings that will be applied to the current project area?                                                                                                                 | <p>Anecdotally, watercourses flow infrequently in the area. Surface and stormwater flow management will be addressed in the detailed design and management measures included in the CEMP/OMP, as required.</p> <p>No action required.</p> |

## Further information

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