

## **DETERMINATION AND STATEMENT OF REASONS**

### **HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	16 August 2022
<b>DATE OF PANEL DECISION</b>	12 August 2022
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie
<b>APOLOGIES</b>	Stephen Leathley
<b>DECLARATIONS OF INTEREST</b>	Sandra Hutton declared a conflict of interest as the Statement of Environmental Effects (SEE) was prepared by ADW Johnson, a company she was employed by until early 2022.

Papers circulated electronically on 4 August 2022.

#### **MATTER DETERMINED**

PPSHCC-133 – Newcastle – DA2022/00588 at 60 Riverside Drive, Mayfield West– battery storage facility (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

The Panel has had the benefit of an initial briefing from Council and the applicant, and a final briefing from Council.

This application is similar to PPSHCC-69 on the adjoining lot and which the Panel considered and determined in October 2021. The site is part of a broader industrial subdivision that is under construction and is a suitable location for the use.

The key issues associated with this application are:

- Hazard and risk.
- Visual impact.
- Relationship of the development to adjoining properties.
- Relationship to existing approved subdivision.

The above matters have been adequately addressed in the Council report. The Panel notes that there has been no hazard and risk analysis of the generic general battery storage proposal. For this reason, the Panel has not approved the potential for a generic battery storage option as part of this application.

The Panel is satisfied that the finished levels are consistent with the approved subdivision. The visual impacts and landscape treatment is acceptable given surrounding development and distance from the highway. External materials have been conditioned to be a more recessive light colour – essentially not white.

The Panel notes that the approval for PPSHCC-69 is required to be surrendered and a condition has been included to require this.

The Panel considers that the site is suitable for the facility and is satisfied of the merits of the proposal and considers that potential impacts and hazards can be mitigated and managed.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council Assessment Report.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to approve the application for the following reasons:



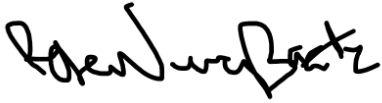

- The site is suitable for the development.
- The proposed battery storage facility will provide an environmentally sustainable source of energy.
- The potential impacts of the development can be mitigated.

**CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that no written submissions were made and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Peta Winney-Baartz	 John Mackenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-133 – Newcastle – DA2022/00588
2	PROPOSED DEVELOPMENT	Proposed Battery Storage Facility (Electricity generating works)
3	STREET ADDRESS	Lot 22 DP 280089 - 60 Riverside Drive Mayfield West
4	APPLICANT/OWNER	Steel River West Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>Draft Remediation of Land SEPP</li> <li>Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Newcastle Development Control Plan 2012</li> <li>City of Newcastle's Community Participation Plan 2019</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 4 August 2022</li> <li>Written submissions: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 6 July 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Stephen Leathley, Peta Winney-Baartz and John Mackenzie</li> <li><u>Applicant representatives</u>: James Allison, Zac Smurthwaite and Patrick Dale</li> <li><u>Council assessment staff</u>: Damian Jaeger, Amy Ryan and Ellise Redriff</li> <li><u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>Site Inspection <ul style="list-style-type: none"> <li><u>Alison McCabe (Chair)</u>: 26 June 2022</li> </ul> </li> <li>Final briefing to discuss Council's recommendation: 11 August 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie</li> <li><u>Council assessment staff</u>: Damian Jaeger</li> <li><u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report