

DATE OF DEFERRAL	17 May 2024
DATE OF PANEL BRIEFING	14 May 2024
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Giacomo Arnott
APOLOGIES	Ryan Palmer
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 May 2024.

MATTER DEFERRED

PPSHCC-239 – Port Stephens – DA 16 -2023 – 383 - 1 at 1154 Clarence Town Road, Seaham 2324 – Battery Energy Storage System (BESS) (as described in Schedule 1).

REASONS FOR DEFERRAL

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

This application is one (1) of five (5) applications for a Battery Energy Storage System (BESS) lodged on the same site in the south western corner of the site. Each application abuts the other so as to form a compound. Each BESS has a 5MW capacity, can operate independently and has separate connections to the grid. They have all been lodged at a similar time.

The Panel has considered these applications both individually and cumulatively. The Panel has had a number of briefings from both Council and the applicant and heard from a number of submitters. The Panel had raised a number of issues that needed to be addressed in the initial briefing.

The report before the Panel recommends approval of the application and has considered the cumulative effect of the proposal in the context of the other four (4) applications. The Panel acknowledges the need and benefit of these facilities. However, they need to be designed and respond to the characteristics and constraints of the site. In this instance the Panel requires further information to properly consider the merits of the proposal and to ensure consistency and accuracy in the documents the Panel is relying on.

Arising from the Panels deliberation it was clear that there are inconsistencies in the operation of the proposal and the Fire Incident Management Plan. The Panel is also not clear on the extent of disturbed land and actual loss of trees. The Panel considers that the site may be suitable for this facility but requires further information.

The Panel agrees to defer the determination of the matter for the applicant to provide additional information and amended documents that:

1. Clarify the extent of disturbed and undisturbed area on a plan that reconciles and explains the numbers in the Ecological Assessment Report. A plan showing the actual trees to be removed is also required.
2. Clarification that all engineering works are captured in the ecology report for the access road.
3. Clarification of the standard of road construction and detailed in plan.
4. An updated Fire Incident Management Plan that reflects the application lodged and is consistent with how the site is to be operated.


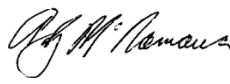


5. Clarification whether the 11KW under boring works on the site are part of the Part 5 Authorisation by Ausgrid or are part of this application.
6. Clarification of night time lighting (i.e. is it controlled by sensor)
7. Extent of access to the site during a flood and the height of the road required to access site in the event of flood.
8. Details of materials proposed for the acoustic fence.
9. Clarification of the status of other applications for BESS in the vicinity of the site.
10. Finished RL's of the individual BESS compound.
11. Potential measures that could be implemented to ensure appropriate rehabilitation and recycling at the end of the facilities operational life.

The decision to defer is unanimous.

ACTIONS

The Panel agreed to defer the application for:

1. The Applicant to provide the information and amendments at point 1-11.
2. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant within two (2) weeks of this deferral outlining:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
 - b. Updated technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within two (2) weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Giacomo Arnott

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-239 – Port Stephens – DA 16 -2023 -383 – 1
2	PROPOSED DEVELOPMENT	Battery Energy Storage System (BESS)
3	STREET ADDRESS	1154 Clarence Town Road, Seaham 2324
4	APPLICANT/OWNER	Hunter Development Brokerage Pty Limited John Leslie Fisher / Fishben 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Port Stephens Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Port Stephens Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 7 May 2024 Written submissions during public exhibition: 6 Total number of unique submissions received by way of objection: 6 Submitter briefing: <ul style="list-style-type: none"> Caitlin Spiller on behalf of Koala Coalition, Econetwork Port Stephens Inc. Margarete Ritchie, President, on behalf of Voice of Wallalong and Woodville (V.O.W.W.) David Banham on behalf of NSW Farmers
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 12 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Ryan Palmer, Giacomo Arnott <u>Applicant Representatives</u>: Mark Ihlein, Kerry Nichols, Aprajita Gupta, Ron Lucerne-Knight, Rob Ashdown, Ian Boake, Patrick Gardiner, Renton Parker <u>Council assessment staff</u>: Ryan Falkenmire, Rean Lourens, Courtney Sargent <u>Department</u>: Leanne Harris, Holly McCann

		<ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> <u>Panel members:</u> <ul style="list-style-type: none"> ○ Alison McCabe (Chair): 6 May 2024 ○ Roberta Ryan: 2 October 2023 ○ Giacomo Arnott: 27 April 2024 • Final briefing to discuss council's recommendation: 14 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Giacomo Arnott ○ <u>Council assessment staff:</u> Ryan Falkenmire, Rean Lourens, Courtney Sargent ○ <u>Applicant representatives:</u> Joanna Leigh, Rob Ashdown, Josephine Kamau, Aprajita Gupta ○ <u>Department:</u> Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report