

# COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PSCHCC-243
<b>DA Number</b>	16-2023-386-1
<b>LGA</b>	Port Stephens
<b>Proposed Development</b>	Battery Energy Storage System (BESS) and associated works
<b>Street Address</b>	1154 Clarence Town Road, Seaham - Lot 1 DP 1265736 1156 Clarence Town Road, Seaham - Lot 2 DP 1265736
<b>Applicant/Owner</b>	Applicant: Clear Energy Fund Transfer Pty Ltd Owner: John Leslie Fisher, Fishben Pty Ltd
<b>Date of DA lodgement</b>	30 August 2023
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	<ul style="list-style-type: none"><li>• 6</li><li>• 6</li></ul>
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as private infrastructure with a CIV over \$5m
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>• State Environmental Planning Policy (Planning Systems) 2021</li><li>• Port Stephens Local Environmental Plan 2013</li><li>• Port Stephens Development Control Plan 2014</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Attachment 1 – Recommended Conditions of Consent</li><li>• Attachment 2 – Development Plans</li><li>• Attachment 3 – Cable Alignment Plan</li><li>• Attachment 4 – Landscape Design</li><li>• Attachment 5 – Acoustic Assessment</li><li>• Attachment 6 – Ecological Assessment Report</li><li>• Attachment 7 – Visual Impact Assessment</li><li>• Attachment 8 – Fire Incident Management Plan</li><li>• Attachment 9 – Ausgrid Comment</li><li>• Attachment 10 – DPE – Water Concurrence</li></ul>
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	<ul style="list-style-type: none"><li>• Compliance with objectives of the zone</li><li>• Consent Authority</li><li>• Visual Impacts</li><li>• Ecological Impacts</li><li>• Fire risk</li><li>• Lack of information on decommissioning</li><li>• Light spill</li><li>• Flooding</li><li>• Project justification</li></ul>
<b>Report prepared by</b>	Rean Lourens – Consultant Town Planner
<b>Report date</b>	7 May 2024

## Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

No

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**Conditions**

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes