

DATE OF DETERMINATION	10 September 2024
DATE OF PANEL DECISION	7 September 2024
DATE OF PANEL BRIEFING	4 September 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Granville Taylor, Kellie Scholes
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 August 2024.

MATTER DETERMINED

PPSHCC-284– Muswellbrook – DA2023-139 at Lot 51 DDP 776564, 981 New England Highway, Aberdeen 2336 – Battery Energy Storage System (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has had the benefit of a number of briefings from both Council and the applicant. The Battery Energy Storage System (BESS) has a 5MW capacity, operates independently and has a separate connection to the grid. The location of the connection to the grid is shown on the plan and has been approved in the Part 5 Authorisation by AUSGRID.

The report before the Panel recommends approval of the application.

The Panel has considered the proximity of the two (2) other development applications for BESS facilities being:

- PPSHCC-286 – immediately adjoining the facility (under consideration)
- PPSHCC-206 – approved BESS close to the New England Highway

The Panel has considered the application individually and cumulatively and is satisfied that any impacts arising from the use can be managed and mitigated.

The Panel acknowledges the need for these facilities and considers that the proposal has responded to the constraints and characteristics of the site, and that the site is suitable for the proposed development. The proposed development has merit, and the potential impacts are acceptable.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

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

1. The site is suitable for the proposed development.
2. The potential impacts arising from the development can be appropriately mitigated.

3. The proposed development will contribute towards the transition to renewable energy.






CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- (i) Amend Condition 12 by removing the word "either" at the end of 12(b), and the word "or" at the end of point 1 of condition 12(b).

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Granville Taylor
 Kellie Scholes	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-284– Muswellbrook – DA2023-139
2	PROPOSED DEVELOPMENT	Battery Energy Storage System
3	STREET ADDRESS	Lot 51 DDP 776564, 981 New England Highway, Aberdeen 2336
4	APPLICANT/OWNER	Hunter Development Brokerage Pty Limited K.L & H.R Day 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Muswellbrook Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Muswellbrook Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: 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: 13 August 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: <ul style="list-style-type: none"> Alison McCabe: 27 October 2023 Tony McNamara: 27 October 2023 Roberta Ryan; 27 October 2023 Granville Taylor: 20 October 2023 Final briefing to discuss Council's recommendation: 4 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Granville Taylor, Kellie Scholes <u>Council assessment staff</u>: Donna Watson, Hamish McTaggart <u>Applicant representatives</u>: Mark Ihlein, Joanna Leigh, Rob Ashdown, Rhys Carey, Jason Costa, Aprajita Gupta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report