

ACEnergy Responses to Public Submissions Enquires

No.	Public Submissions Enquires	ACEnergy's Responses
Planning/Landuse		
1	The period for making a submission has been inadequate (less than 28 days). The application process does not constitute genuine community engagement	The submission period for the project has been set by Council.
2	1. (a-e) Approval of the development application would represent an ad-hoc planning approval and an unpredictable change of land use that is contradictory to the Yass Valley Settlement Strategy 2036 (the Strategy).	The project presents an opportunity to improve the reliability and flexibility of the electrical network which would support the future development of Murrumbateman. Energy security is essential to support any kind of future development. The potential effects of the proposed development have been assessed and mitigation measures have been provided such that no significant impacts or conflicts with surrounding land uses are anticipated. For the avoidance of doubt the development is not residential and is situated outside of areas identified for future settlement via the settlement strategy.
3	2. (a-f) Approval of the development application would undermine the credibility and intended function of the Murrumbateman Masterplan 2031, which identifies the proposed development area as within a "Winery Precinct with a minimum 16-hectare lot size".	These are not controlling legal measures, but rather policy intentions which then set out changes to the legal planning instruments over time. As detailed via the Settlement Strategy the Murrumbateman Master Plan 2031 is intended to guide growth over the next 20 years to 2031 and inform and guide future planning proposals seeking LEP amendments to then create planning controls in the future. Those controls do not yet exist, only the policy and long-term intention. The project is given standing to be considered by the Transport and Infrastructure SEPP and has included several mitigation measures to minimise the potential for conflicts with surrounding land uses as far as is reasonable.
4	3. (a - c) The proposed development application does not represent efficient infrastructure investment –as per the recommendations of the Yass Valley Settlement Strategy.	<p>The Settlement strategy details that future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.</p> <p>The project provides an opportunity for electrical storage in close proximity to existing electrical distribution and generating infrastructure, with accessible transportation routes supporting the transport of staff and equipment and local population centres for sourcing labour. The project facilitates efficiency through the use of existing infrastructure. Through providing benefits to the reliability of the electrical network the project is further anticipated to support the development and efficiency of other future developments within Murrumbateman.</p> <p>This is consistent with the overall desire of the settlement strategy, as development needs utilities to support it.</p>
5	4. The change of land use proposed by the applicant would represent an unpredicted and substantially different land use to anything currently within the "Winery Precinct", which requires more thorough planning and management of risks over the lifetime of the development - particularly acoustic, fire and groundwater risks and end-of-life project costs.	Acoustic, Fire and Groundwater risks have been assessed and appropriate measures to ensure their wellbeing have been outlined as part of the development application. The implementation of measures minimises risks over the lifespan of the proposed development. Decommissioning of the site would occur in consultation with the landowners, Council and relevant regulatory authorities at the appropriate future time. It is anticipated that the consent authority will include a condition on any forthcoming consent requiring the preparation of a decommissioning management plan prior to the commencement of decommissioning activities. This plan would be prepared to detail any rehabilitation required at the project's lifespan and measures to return the site (as far as reasonably practical) to its existing state.
6	4. f.ii & iii) The application did not substantially address facility closure and remediation arrangements. In the event of a malfunction, it is unclear from the application what remediation would be required, what costs could be involved, and who would be liable and have adequate financial security.	The proposed development has been designed to minimise the potential for malfunctions and would be maintained throughout its operation to minimise the potential for adverse risks. Maintenance activities would include inspections of site infrastructure and the identification of any potential issues and responses. The Bush Fire Management and Emergency Response Plan has outlined the emergency response for the proposed development and procedures that would be undertaken in the event of an emergency. As detailed above, it is anticipated that the consent authority will provide a consent condition on any forthcoming consent requiring the preparation of a decommissioning management plan. The decommissioning management plan would detail requirements for remediation.
7	The application is zoned RU4, it is not permissible under the current local environment plan	The project is permissible with consent via the Transport and Infrastructure SEPP and does not rely on the lower-tier local planning instrument for legal standing.

8	development appears to meet the threshold for RSD and, if so, would need to be referred for an assessment by the relevant Panel.	The Project is now classified as Regionally Significant Development and is to be determined by a Regional Planning Panel.
9	The proposed development is completely inappropriate for this location and inconsistent with the gazetted Yass Valley Local Environmental Plan 2013 (LEP).	The project is permissible with consent via the Transport and Infrastructure SEPP and does not rely on the lower-tier local planing instrument for legal standing.
10	Proposed sound barriers have no detail and cannot be approved in this location against any applicable legislation. They do not form any operational part of a DBESS. They are only included here because without them, the noise emissions from these batteries will exceed NSW Environment Protection Authority Project Intrusiveness Noise Levels. There is no detail included in this DA submission that states any detail of either the engineering, construction or component details of this sound barrier. THERFORE- these sound barriers require separate approval which would not fall under the SEPP (T&I) guidelines where there appears to be no reference to them at all.	Acoustic Barriers have been proposed and form part of the proposed development. The Acoustic Report supporting the DA details the location and construction requirements for the acoustic barriers including but not limited to the height of barriers, the use of suitable materials and details of their installation. The design of acoustic barriers would be prepared prior to the construction phase of the project during the finalisation of detailed design.
11	Conflicts with DCP in relation to all setbacks . The development is required to be consistent with Table 12 of the DCP, which outlines 50m setback to all side and rear boundaries.	The Yass Valley DCP was not in effect at the time of preparing or lodging the Development Application. The DCP states that Section E1 Dwelling applies to new dwellings, ancillary development, as well as alterations and additions to existing dwellings. The proposed development is not characterised as one of these development types for the purpose of the DCP. Notwithstanding the above, the proposed development has been sited with consideration of potential environmental effects and includes a suite of measures to minimise potential impacts to surrounding sensitive receivers.
12	Conflicts with DCP in relation use of visual screening and reflective materials (The development currently proposes some level of visual screening via two rows of planting. However, the 1m external fence, 1.8m galvanised steel security fence, and white energy storage container can still be visible.)	A landscaping plan has been prepared to support the DA and includes the implementation of vegetation screening surrounding the BESS to minimise the potential for visual impacts. Following the implementation of the visual screening no significant visual effects are anticipated.
13	Conflicts with Yass Valley strategic plan- winery trail and tourism destination	The proposed development has been sited and designed to minimise the potential for impacts to surrounding receivers. While some temporary disruption may be experienced associated with traffic, noise and visual impacts these are considered to be predominantly limited to the construction phase of the project and are capable of being managed through the implementation of appropriate mitigation measures. No significant long term or ongoing impacts to surrounding wineries or tourism within the locality is anticipated to occur during the operation of the project.
14	The acoustic report does not adequately demonstrate that the development is consistent with the Yass DCP 2024, as the acoustic report explicitly states that noise amenity is measured from the receiver (dwelling) and not the boundary, as required under the Yass DCP	An Acoustic Report has been prepared in accordance with the methodology of the NSW EPA's Noise Policy for Industry , which defines project trigger levels which are used to consider potential impacts at sensitive receptors. Subject to the implementation of mitigation measures detailed in the Acoustic Report, no significant noise related effects are anticipated.
15	Pg.16 of the Statement of Environmental Effects submitted alongside the DA, the electric batteries are denoted as Class 9 dangerous goods. When reviewing 'The Hazards SEPP' and 'Hazardous and Offensive Development Application Guidelines – Applying SEPP 33', the development of the 10 Electric Batteries exceeds the listed 'Manifest Threshold Quantities' (10,000L) for Class 9 dangerous goods, demonstrated. Furthermore, Applying SEPP 13 states: "Where dangerous goods are used or stored in volumes greater than the threshold quantities detailed below, WorkCover NSW must be notified, and manifests and emergency plans must be developed".	<p>Page 33 of the SEPP guidelines outlines that "In using the screening method some classes of dangerous goods are excluded from the risk screening. The classes, and the reason for their exclusion are listed below: ... Class 9 — are miscellaneous dangerous goods, which pose little threat to people or property. They may be substances which pose an environmental hazard, and the consent authority should consider whether or not a potential for environmental harm exists."</p> <p>The above exclusion of Class 9 Dangerous goods from screening thresholds is reiterated on page 17 of the Applying SEPP 33 Guidelines. No screening thresholds for Class 9 therefore apply and the development is therefore considered unlikely to pose a significant hazard or risk associated with the use of lithium batteries.</p> <p>Notwithstanding the above , it is recognised that notification to Workcover NSW would be required if the total volume of Class 9 dangerous goods exceeds 10,000L. Notification to relevant authorities including workcover would be provided where appropriate following any forthcoming approval of the DA. Emergency plans where required would be developed and implemented throughout the duration of the project.</p>
16	The proposed location is unsuitable due to its proximity to valuable wine-growing regions and rural residential housing estates.	As detailed above the proposed development has been sited and designed to minimise the potential for impacts to surrounding receivers. Subject to the implementation of mitigation measures no significant ongoing impacts to surrounding sensitive receivers are anticipated during the operation of the project.

17	<p>We do not accept the proposal aligns with key guiding principles identified in the Yass Valley Settlement Strategy 2036, specifically that:</p> <ul style="list-style-type: none"> •Future development should complement existing settlement structure, character and uses and allow for the creation of legible and integrated growth; • Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere; and • Future development, particularly at the residential / agricultural and the residential /industrial interfaces should be planned for and managed to minimise potential conflict between adjacent land uses. 	<p>The proposed development provides an opportunity for electrical storage in close proximity to existing electrical distribution and generating infrastructure. The proposal is to enable ongoing employment opportunities for operation and maintenance activities together with follow on economic benefits associated with improving the reliability and flexibility of the electrical network. The project has been designed in consideration of surrounding infrastructure and is expected to produce benefits which support the future development of Murrumbateman. The project has been designed in consideration of potential impacts and includes a suite of mitigation measures to minimise the potential for land use conflicts.</p>
18	<p>The proposed development is inconsistent with the Yass Valley council local Environment Plan 2013 (see objection for details)</p>	<p>The project is permissible with consent via the Transport and Infrastructure SEPP and does not rely on the lower-tier local planing instrument for legal standing.</p>
19	<p>2. Section E 1. all buildings shall have a set back of no less than 250m from a boundary of a property where intensive agriculture is conducted</p>	<p>As detailed above, the Yass Valley DCP was not in effect at the time of preparing or lodging the Development Application. Notwithstanding it is noted that while the setback to the northern boundary is below the 250 m measure, the DCP states that "a reduced setback will be permitted where measures are implemented to mitigate noise, light intrusion dust and spray drift.</p> <p>Section 3.42 of the Environmental Planning and Assessment Act 1979 additionally notes that the principal purpose of a DCP is to provided guidance in relation to:</p> <p>(a) giving effect to the aims of any environmental planning instrument that applies to the development,</p> <p>(b) facilitating development that is permissible under any such instrument,</p> <p>(c) achieving the objectives of land zones under any such instrument.</p> <p>Section 3.42 of the EP&A Act,states, however, that the provisions of a development control plan made for that purpose are not statutory requirements.</p> <p>Therefore whilst there is flexibility in the application of setbacks according to the DCP, compliance with the setbacks detailed within the DCP is not considered a statutory measure.</p>
20	<p>c. the bushfire emergency response plan failed to include consideration of the Yass valley local environmental plan 2013, the Yass valley council development control plan 2024</p>	<p>Consideration of Bushfire Prone Land has been provided in the SEE and BFMERP with respect to the requirements of the EP&A Act. The BFMERP has been prepared in accordance with the requirements of Planning for Bushfire Protection 2019 and provides mitigation measures to ensure bushfire risks and emergencies are appropriately managed.</p>
21	<p>5). Whilst not a renewable Energy Development Project aspects of the controls sited in Part L section LG page 138, could be considered persuasive. Part LG describes an objective of providing guidance to developers on the local matters to be taken into consideration in addition to those in any state or national guidelines. DA240159 has not considered and/or adequately addressed relevant controls</p>	<p>It is recognised that Part L6 of the DCP provides a control that: "The location of any renewable energy development project shall be consistent with the Yass Valley Settlement Strategy (or subsequent document)." The latest version of the Yass Valley Settlement Strategy published via the council website from August 2019 is currently limited to a recommendation that the Yass Valley area investigate renewable energy production (solar and wind) opportunities which could supply the ACT renewable energy target. Notwithstanding this the proposed development has been designed to include appropriate mitigation measures to limit the potential for impacts to surrounding land uses.</p>
22	<p>6) the proposed development is industrial, of 5000 square metres and would be more appropriate for industrial zoned Land</p>	<p>The project is permissible with consent via the Transport and Infrastructure SEPP and does not rely on the lower-tier local planing instrument for legal standing.</p>
23	<p>Prohibited development, The Statement of Environmental Affects report prepared by Premise identifies a legal work around this LEP prohibition by reference to State Environmental Planning Policy (Transport and Infrastructure) 2021 (p17) which permits development of electricity generating works by consent on the basis that this land is zoned RU4 and therefore it is 'non-residential land'.</p>	<p>Section 2.35 of the Transport and Infrastructure SEPP defines prescribed non-residential zones, prescribed residential zones and prescribed rural zones. The RU4 zone is defined by the SEPP as a non residential zone and a rural zone. The RU4 zone is not defined as a prescribed residential zone. As detailed in the application, the SEPP prevails to the extent of an inconsistency with subordinant planning instruments.</p>
Noise		
1	<p>There is a large gap in the proposed acoustic barriers facing my property (submission 20)</p>	<p>The proposed design and location of acoustic wall around the equipment is according to results from noise modelling, which takes into account background noise as well as modelled changes, and to provide noise shielding measures where appropriate in the direction of sensitive receptors.</p>
2	<p>The planned location of my future residential dwelling has not been evaluated as a 'noise sensitive receptor location' (submission 21)</p>	<p>All the nearest existing dwellings have been considered in the acoustic noise assessment as per figure 1 in the Noise Assessment Report.</p>

4	The applicant is also noted to have advised that vibration intense activities will not form part of the project construction or operational phase and therefore not considered within the assessment.	The project construction and operational phase will not include any vibration intense activities such as piling and ramming hence, the vibration assessment have not been considered further.
5	Noise mitigation strategies are noted in the report however, nothing is specified	Construction Noise Mitigation and Management have been specified in the acoustic report. Kindly refer to the Section 5.4 in the Noise Assessment Report.
6	There are two local businesses that are next door and across the road from the site that will be exposed to the constant noise from the batteries.	The noise assessment report in Section 4.1.3 has identified the two existing wineries located to the northeast of the site as commercial/industry users and has allowed for potential cumulative contributions. The proposed noise control solution (acoustic barriers) will ensure noise emissions from the BESS are complied with the Project Trigger Noise Levels at each of the noise sensitive receptors.
7	Noise Disturbance: The acoustic report acknowledges 1 Turton Place as the second closest dwelling to the proposed development but fails to identify it as a sensitive receptor. This omission is not adequately explained. 1A Turton Place, is clearly identifiable as being closer than both 1 Turton Place and 5 Turton Place to the proposed development site however has not been assessed for the impact of noise admissions made from the proposed development.	3 Turton Place is approx. 236m from the BESS site and 1 Turton Place is approx. 500m from the BESS site. The battery units are configured so that the higher noise emissions from the unit face north away from the nearest sensitive receptors. So, if the nearest receptors at 3 Turton Place complies with the Project Trigger Noise Levels, then the farthest dwelling at the same direction 1 & 1A Turton Place would be complied as well.
8	The acoustic report seems to effectively suggest that placement of the battery location has been chosen to share the noise evenly between all the closest sensitive receptors.	The proposed location of BESS and batteries' origination is determined based on the outcome from the noise assessment modelling that is considering many parameters such as geometrical, atmospheric absorption, ground attenuation, meteorological effects, source / receiver height effects and attenuation due to the surrounding environment and existing buildings / structures.
9	The report was prepared using environmental noise modelling software and does not appear to have required a site visit by the acoustic experts. Environmental factors such as wind speed and direction, temperature, humidity, and atmospheric pressure can significantly impact noise propagation	The noise assessment modelling is taking into account and consideration of many parameters such as geometrical, atmospheric absorption, ground attenuation, meteorological effects, source / receiver height effects and attenuation due to the surrounding environment including existing buildings / structures. In addition, noise enhancing weather conditions in the direction of sensitive receptors has been adopted for all assessment periods for noise impact assessment purposes. Refer to Section 4.2 in the Noise Assessment Report.
10	The cumulative effects of noise disturbance have not been considered. While residents in the area may already experience some noise from traffic on Murrumbateman Road and the highway.	The noise assessment uses periods of time (morning, daytime and night), background noise and the modelled changes as a result of the proposal. A Road Traffic Noise assessment has been provided. Please refer to Section 7 of the Noise Assessment Report.
11	The concern remains whether this barrier will be sufficient to mitigate the noise.	The noise report and noise modelling assessment have concluded that applying acoustic solutions (installation of acoustic barriers around equipment) reduces the operational noise emissions from the BESS and comply with the Project Trigger Noise Levels at each of the noise sensitive receptors.
12	The reports submitted do not provide advice on what impact the constant noise will have on horses.	Acoustic Assessment Report has been prepared in accordance with the methodology of the NSW EPA's Noise Policy for Industry. The proposal will incorporate all recommended measures.
13	Several studies have been carried out in regards to noise level in a sheep's environment that show consistent noise can create pain and health issues including suckling issues between ewes and lambs. If this is the case and the noise level is consistently 35-40dB we cannot in good conscious keep sheep on the farm.	Acoustic Assessment Report has been prepared in accordance with the methodology of the NSW EPA's Noise Policy for Industry. The proposal will incorporate all recommended measures.
14	Modelled noise levels are higher than W.H.O. recommendations for sleep	The noise assessment has adopted the currently applicable INCG document as the basis for providing an assessment of construction noise emissions associated with the project. The INCG also requires consideration of ground borne noise impacts at residential receptors as well as the potential for noise emissions to cause sleep disturbance at residential receptors during the night periods. Given the distance setback of the closest sensitive receptor to the site and the proposed construction hours which are limited to the day period, potential ground borne noise emissions, and the potential for sleep disturbance has not been considered further.
15	Continuous noise/24 hour operation	The noise emissions from the proposed site operations, and construction activities has been assessed during various periods (day, evening, and night). Each period will have different levels of background noise, so the periods are used to provide realistic comparisons for background versus the change introduced by the proposal.
16	Small buffer between projected noise levels and allowable	Acoustic Assessment Report has been prepared in accordance with the methodology of the NSW EPA's Noise Policy for Industry. The proposal will incorporate all recommended measures.
17	noise barrier design, why higher to the north and east	The proposed design and location of acoustic wall around the equipment is according to results from environmental noise modelling software, and to provide noise shielding in the direction of the critical receptors. The battery units are configured so that the higher noise emissions from the unit face north away from the nearest sensitive receptors.

18	Acoustic report not clear whether standards are set for residential or industrial	The noise assessment report has considered both Residential receptors for nearest dwellings, and Commercial receptors due to the proximity of the Dionysus Winery & Woo Chocolate' commercial premises to the subject site, in determining the trigger noise levels and assessing potential noise impacts.
19	Who is responsible for rectification if the design does not meet noise level standards during operation	During operational stage, O&M company who will be responsible for monitoring and controlling noise emissions from the BESS. They are responsible to keep and maintain Noise levels within the approved ranges.
20	these battery storage units can produce noise levels around 95 dB??	The proposed battery has an adapted noise level 95dB. However, numbers of equipment and related noise are adapted and assessed along other parameters using a noise modelling software, then the outcome results to be compared with the trigger noise levels as described in the Noise Assessment Report.
21	3) b. Section E.3 controls for RU4 zoning proposed development noise abatement measures ensure constant noise does not exceed 5dB above Background noise levels at the boundary with an adjoining property	<p>The Yass Valley DCP was not in effect at the time of preparing or lodging the Development Application. In any event, noise is relative as a change when compared to the background levels, which are usually considered in time periods of day, evening and night-time, each with different common levels of activity from humans and wildlife and therefore different levels of background noise. A simple measure must be informed by what the background noise is, and how that background level changes during the course of a day cycle.</p> <p>Notwithstanding this, as the proposal is to introduce change it was determined that such change should be understood by having an Acoustic Report prepared in accordance with the methodology of the NSW EPA's Noise Policy for Industry (NPfi), which is regarded as the best standard available. The noise policy defines trigger levels which are used to consider potential effects at located sensitive receptors. Subject to the implementation of mitigation measures detailed in the Acoustic Report, no significant noise related effects are anticipated. We note that the EPA noise policy points out that "... It is widely accepted that noise is generally more disturbing in the evening and night because more noise; sensitive activities occur at those times (such as socialising, relaxing and sleeping). Also, most residents are typically at home and noise is more intrusive due to lower background levels during the evening and at night."</p>
22	c. the acoustic report does not provide noise levels at property boundary	The NSW EPA Noise Policy for Industry is the standard and method which has been used for the preparation of acoustic reports in this matter. We note that that policy clearly states that "intrusive noise levels are only applied to residential receivers (residences). For other receiver types..., only the amenity levels apply." [See https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/noise/17p0524-noise-policy-for-industry.pdf at pp.7]
Fire		
1	The risk of toxic chemical escape, thermal runaway and an uncontained explosion cannot be ruled out.	<p>By-products of combustion may be generated by a fire in a facility of the proposed type. The selected location and design are such that it is not considered that the formation of gases in a fire would be sufficient to cause severe effects on their own. In other words, there would be insufficient production of those gases to generate a plume of sufficient concentration to displace the required oxygen for a significant downwind consequence to occur. These effects arise primarily as a result of high discharge, overcharging, or water ingress into the battery which results in a host of bi-products being formed within the battery during charge and discharge cycles. Li-ion batteries are equipped with several safety features to prevent the batteries from charging or discharging at voltages which result in battery degradation, leading to shorting of the battery and thermal runaway. Those safety features include Shut-down separator (for overheating), Tear-away tab (for internal pressure relief), Vent (pressure relief in case of severe outgassing) and Thermal interrupt (overcurrent/overcharging/environmental exposure).</p> <p>BESS units are typically designed such that they vent explosive gases directly to atmosphere under fault conditions. Finally, the BESS containers are fitted with an automatic fire suppression system which will activate to suppress and control a fire preventing escalation to other battery units. Each battery container is built with fire suppression system and has multiple built-in fire protection devices that work collaboratively, including flammable gas, smoke and thermal sensors, pressure relief system and aerosol fire extinguishing system. Therefore, a container will automatically suppress an internal fire in the first instance.</p>

2	4.e. ii) I question whether the 10-13-metre distance from the batteries to the landscaped area is sufficient to contain a fire initiating from within the facility	As per RFS guidelines , a minimum 10m APZ is required for the structures and associated buildings/infrastructure. So, A 10-13-metre-wide APZ around the electrical facilities provides a defensible space and safe operational access to all assets and infrastructure. This APZ is located within surrounding security fence.
3	"The manager of the battery storage system shall, as well as meeting all conditions to minimise and contain any fire on site, organise an on-site meeting in October each year. Attendees at the meeting shall include at least a Southern Tablelands RFS manager and the Captains of Murrumbateman, Springfield, Yass River Nanima and Back Creek brigades. The meeting shall determine what maintenance work is to be undertaken urgently before the most dangerous part of the bushfire season commences.	Section 7 in the "Bush Fire Management & Emergency Response Plan" outlines standard requirements and protocols developed based on similar projects, it suggests emergency responses practise during both construction and O&M phases. A detailed Fire Management Plan and Emergency Response will be prepared and submitted by the EPC contractor as part of CEMP with the consultation of local fire authorities.
4	The fire report downplays the risk to surrounding properties and the township of Murrumbateman. How would the local RFS deal with a fire from this source?	The "Bush Fire Management & Emergency Response Plan" Report has been prepared as per the requirements of Planning for Bush Fire Protection 2019 (PBP), the NSW Rural Fire Service (RFS) document: A guide to developing a bush fire emergency management and evacuation plan, and Australian Standard AS 3745:2010 Planning for emergencies in facilities. The purpose of the report is to evaluate the bushfire risk profile of the site and identify a package of bushfire management measures and emergency response actions that can be taken to protect human life and minimise impacts on assets from the threat of a bush fire. The Bushfire Management Plan has been prepared in accordance with the NSW Rural Fire Service Model Bushfire Risk Management Plan. The plan identifies a package of bushfire management and protection measures that can be taken to protect life and minimise impacts on assets from bushfires. A detailed Fire Management Plan and Emergency Response will be prepared in consultation with local fire authorities and will be submitted by the EPC contractor as part of CEMP.
5	2. What is plan B should the automatic Aerosol fire extinguishing system fail and/or reignition occur post deployment of the system	The proposed BESS has a four-level fire control strategy. The first-level is the alarm. The second-level is ventilation and smoke exhausting to prevent deflagration. The third-level is aerosol to extinguish initial fire, and the fourth-level is the dry pipe sprinkle fire protection to prevent fire spread.
6	3. What are the Bi products if/should combustion/fire of these batteries occur?	By-products of combustion may be generated by a fire in a facility of the proposed type. The selected location and design are such that it is not considered that the formation of gases in a fire would be sufficient to cause severe effects on their own. In other words, there would be insufficient production of those gases to generate a plume of sufficient concentration to displace the required oxygen for a significant downwind consequence to occur. These effects arise primarily as a result of high discharge, overcharging, or water ingress into the battery which results in a host of bi-products being formed within the battery during charge and discharge cycles. Li-ion batteries are equipped with several safety features to prevent the batteries from charging or discharging at voltages which result in battery degradation, leading to shorting of the battery and thermal runaway. Those safety feature include Shut-down separator (for overheating), Tear-away tab (for internal pressure relief), Vent (pressure relief in case of severe outgassing) and Thermal interrupt (overcurrent/overcharging/environmental exposure). BESS units are typically designed such that they vent explosive gases directly to atmosphere under fault conditions Finally, the BESS containers are fitted with an automatic fire suppression system which will activate to suppress and control a fire preventing escalation to other battery units. Each battery container is built with fire suppression system and have multiple built-in fire protection devices that work collaboratively, including flammable gas, smoke and thermal sensors, pressure relief system and aerosol fire extinguishing system. Therefore, a container will automatically suppress an internal fire in the first instance.
7	4. What are the Evacuation Considerations first responders should consider and implement ? What are the minimum PPE considerations given that none of the local NSW RFS Brigades have breathing apparatus or Hazmat Capabilities?	Please refer to the Section 7.4 in the "Bush Fire Management & Emergency Response Plan" Report, which identified main evacuation considerations including evacuation centres and evacuation routes. A detailed emergency management plan, including evacuation procedures will be prepared and submitted by the EPC contractor as part of the Construction Environmental Management Plan with the consultation of local fire authorities.
8	What's the proposed location of 20,000L of static water tank and how will this be supplied and replenished? I could not see the location on any of the drawings submitted within the DA.	The proposed location of the static water tank is next to the access gate, the tank will be provided with a suitable connection for firefighting purposes, such as a 65mm Storz outlet and a gate or ball valve, should be provided where required. The final location of the tank, hydraulic calculations and connection arrangements, will be provided within the detailed design and CEMP.

9	6. the proposed native vegetation buffer plantings are far too close to the proposed assets to provide defensive protection safely and effectively from an approaching/ impacting fast moving grass fire. the drawings only show one point of entry and egress into the proposed fenced compound area on the SE corner	An APZ area 10m is implemented within the site based on the bushfire risk profile and risk analysis. This APZ creates a buffer from the vegetation and provides a defensible space for firefighting operations. Also, a fuel free zone is implemented directly surrounding critical assets such as MVPS, batteries and HV switchgear for the purposes of minimising the likelihood of fires within the site and reducing their potential severity or extent. Based on the size of this project, one access for entry and egress is acceptable.
10	7. The contaminated water runoff is generally always an afterthought for hazmat jobs, Would it not be an environmentally friendly "green" proactive approach to consider contour drains, catchment ponds, bunding's etc in the construction phase?.Rather than to contain runoff during /or after the fact.	The battery units are self-contained and will control any potential leaks. There is no opportunity for leaching of metals due to the battery make up and containment and lack of water in the battery units. However, the detailed design and the CEMP will ensure a proposed retention area and a filtration/contaminated system in place (if required) to ensure the contaminated firefighting water is not able to enter local waterways and groundwater. Arrangements should be made to remove any firefighting water if it is unsuitable for local release subsequent to testing. These arrangements should be made prior to commissioning the system and retained permanently.
11	The site and surrounding area does not have access to piped water supply, this increases the risk of uncontrolled fire. the locally stored water on site will not be adequate to manage a fire, and there is no piped water access nearby to supplement this.	Please refer to the Section 7.4 in the "Bush Fire Management & Emergency Response Plan" Report, which identified main evacuation considerations including evacuation centres and evacuation routes. A detailed emergency management plan, including evacuation procedures will be prepared and submitted by the EPC contractor as part of the Construction Environmental Management Plan with the consultation of local fire authorities.
12	The Bushfire Management and Emergency Response Plan does not appear to have taken into consideration the presence of the proposed acoustic wall, it will have a huge impact on how a fire would behave, and possibly even more so if the wall is constructed of timber.	The information provided under Section 6 in the "Bush Fire Management & Emergency Response Plan" Report has identified bushfire risk and control measures related to bushfire management. A detailed Fire Management Plan and Emergency Response will be prepared by the EPC contractor as part of CEMP following the finalisation of detailed design with the consultation with local fire authorities.
13	The Bushfire report only has a small section at part 6.8 dealing with the risk of fire from within the facility and this does not provide enough information for Council to be able to state that the risk of a fire from within the facility has been considered and mitigated.	The information provided under Section 6 in the "Bush Fire Management & Emergency Response Plan" Report has identified bushfire risks and control measures related to bushfire management. A detailed Fire Management Plan and Emergency Response will be prepared and submitted by the EPC contractor as part of CEMP with the consultation of local fire authorities.
14	The "Bush Fire Management & Emergency Response Plan" and the general information in the remainder of the documentation indicates that there is no fuel stored on site, however the "Flood and Groundwater Assessment Report" indicates there will be 100 litres of fuel stored on site. The reports should be consistent and the "Bush Fire Management & Emergency Response Plan" should explicitly address the 100 litres of fuel stored on site.	Section 3.2.1 in the "Flood and Groundwater Assessment Report" stated that " <u>during construction, there will be no significant stored volumes of chemicals or fuels and no refuelling or washing of vehicles.</u> <u>Therefore, the potential risks of contamination would be from minor fuel or hydraulic hose leaks, which are expected to be less than 100 L</u> ". So, the proposed 100L is the worst case scenario proposed by the consultant just in case of any leak. However, these leaks would be managed via spill kits and mechanical removal if any.
15	The "Bush Fire Management & Emergency Response Plan" suggests that onsite wardens and personnel will report a fire occurring at the site, however the remainder of the documentation indicates that there are no staff onsite once it is operational. The "Bush Fire Management & Emergency Response Plan" needs to account for there being no staff onsite and address how the local fire services will be notified should a fire begin within the site. It would certainly be possible for an automatic fire detection system which notifies the local fire services to be installed on site.	Section 7 in the "Bush Fire Management & Emergency Response Plan" outlines standard requirements and protocols developed based on similar projects, it suggests emergency responses practise during both construction and O&M phases. A detailed Fire Management Plan and Emergency Response will be prepared and submitted by the EPC contractor as part of CEMP with the consultation of local fire authorities.
16	There are no other measures described in relation to preventing a fire occurring or spreading from the site	The site layout and design of BESS units ensure that any fire happened in one unit should not be spread to other BESS units by maintained the recommended separation distance between BESS units based on the radiant heat flux. Furthermore, each battery container will be built with automatic fire detection and fire suppression system. so, The BESS container will automatically suppress an internal fire in the first instance. Other fire protections measures are provided as per RFS requirements including static fire water tank , APZ 10m wide fire break with a 4m wide integrated access road extends internally around the perimeter of the site will minimise the likelihood of fire spread to the site boundary.
17	The operational company should be required to fund the local fire services (Springfield RFS and Murrumbateman RFS) to provide training and equipment to combat a Lithium/Electrical fire for the lifespan of the installation. Without this the community would have to fund this training and equipment, and this burden should not be placed upon the community.	Could be considered by the O&M company based on the consultation with local RFS.

18	fire from inside the battery- what safety measures are in place	Batteries meet industry standards. The minimum separation distances between batteries is maintained to minimise the likelihood of fire spread to multiple BESS units. BESS units are typically designed such that they vent explosive gases directly to atmosphere under fault conditions. BESS units are provided with a Fire Suppression System consists of smoke detectors, heat detectors , H2 detectors, fire control panel, fire extinguishing , smoke exhaust ventilation system. The BESS site is equipped with a static water tank with a minimum capacity of 20,000-litres used for fire fighting.
19	fire from outside the battery-what safety measures are in place	A 10m wide fire break with a 4m wide integrated access road extends internally around the perimeter of the site, maintain radiant heat separation distance to the boundary.
20	fire report has an error on the distance to town stating 7km not 3km	That is a typographical error only.
21	4). Site considered Bushfire Prone land under Yass valley BFPL Map	The site is identified as containing areas classified as bush fire prone land. Fire risks have been assessed within the preparation of the application and a Bush Fire Management and Emergency Response Plan. As is the case with any development on land such as this, the implementation of mitigation measures are appropriate to ensure that no significant fire related impacts are created.
22	a. Section E3.1(i)page 63. states that land uses which pose a fire hazard may not be supported if the and is mapped as bushfire prone.	The Yass Valley DCP was not in effect at the time of preparing or lodging the Development Application. In any event, it proposes a guide to the assessment of a proposal on it's merits, and does not produce a measure which cannot be varied from. The proposed development is not considered Intensive agricultural or Rural Industry for the purpose of applying Section E3.1 of the DCP. A fire management and emergency response plan has been prepared in accordance with the requirements of Planning for Bushfire Protection 2019. Measures to ensure bushfire risks and emergencies are appropriately managed are detailed within the BFMERP.
Traffic		
1	We also note the entrance to the facility is through the break in the acoustic wall on the Western side, yet the driveway to the site approaches from the East.	The access to the site is only from the east side, no other access is provided. Noting that the gap in the acoustic wall it is not an access, it is only the design shape of the acoustic wall as per outcome results from the noise modelling assessment.
Landscape		
1	two-row landscape area is proposed in one attachment and a one-row landscape area is proposed in another attachment.	Confirming two - rows Landscape buffer surrounded the BESS site as per landscape drawings
2	The plants proposed in the landscape plan as represented (including the 5 metre small trees) are Hiko pot size. Approximately 150mm- 200mm high. These plants will take 10 to 15 years to reach the maturity suggested in this render. This means that most of the reflective material will be visible for many years.	A detailed landscape plan including native plants will be prepared within CEMP, including (details of all ground covers, planting schedule, vegetation screening, landscape management plan, ...)
3	3.The footprint of the DBESS appears to cross onto my property and the implications of this are not explained in the DA.	The red dotted line in the Landscape drawing #1 shows the area of investigation, not the extent of DBESS site.
Health		
1	If toxic smoke is released into the atmosphere how will it affect people, pet's, livestock, grapes, vegetables,birds,bees, insects and other living creatures?	There are several proactive steps that can be taken to protect against a fire such as Automatic fire suppression system within BESS to suppress and control a fire preventing escalation. In case of a failure, toxic release on site is dependent on the amount of BESS units on fire and prevailing weather conditions. The toxic release for this kind of projects is estimated to not significantly impact on site personnel. However, Emergency management plan, including evacuation procedures, evacuation assembly areas and first aid facilities along with fire protection measures should be implemented with the consultation of local fire authorities.
2	The anticipated noise levels can cause health effects, which are likely to have a negative impact on sleep and cause headaches	The noise assessment has adopted the currently applicable INCG document as the basis for providing an assessment of construction noise emissions associated with the project. The ICNG also requires consideration of ground borne noise impacts at residential receptors as well as the potential for noise emissions to cause sleep disturbance at residential receptors during the night periods. Given the distance setback of the closest sensitive receptor to the site and the proposed construction hours which are limited to the day period, potential ground borne noise emissions, and the potential for sleep disturbance is considered low.

3	impacts on human health in the event of a leak	The battery units are self-contained and will control any potential leaks. There is no opportunity for leaching of metals due to the battery make up and containment and lack of water in the battery units.
Flood and Groundwater		
1	4.e. iii) Chemicals may not be fully contained, and there could be potential for runoff or leakage into the groundwater	No significant volumes of potential contaminants will be stored on the subject site during construction and operation phases. The battery units are self-contained and will control any potential leaks. There is no opportunity for leaching of metals due to the battery make up and containment and lack of water in the battery units. Site management plans will provide details on the clean-up of small spills via spill kits and soil removal.
2	Effects and risks on attachment, groundwater streams, and from toxic leaks	Please refer to Section 5.6.2 of the SEE Report, the groundwater assessment was prepared to consider the likelihood of groundwater contamination impacts on GDEs, cumulative impacts on the groundwater system including nearby extraction and appropriate measure to avoid, minimise and mitigate the potential impacts of the development. The groundwater assessment concludes that based on the understanding of the local hydrogeological regime and site operations during construction and operation, it is considered that there is negligible risk to groundwater or GDEs. In addition, the implementation of surface water management measures, as detailed in Section 7.4.6.1, including a soil and erosion management plan, would assist to further minimise the potential for adverse impacts to groundwater.
Community Consultation		
1	Insufficient consultation with the community has taken place and that insufficient detail has been provided as to how noise and fire risks will be managed and mitigated	Before lodging DA application, AC Energy sent and dropped a briefing letters to the nearest dwellings within 2km. Following DA lodgement, an official exhibition period has been established as part of DA process for 15 days and then extended by Council for an additional one week and ended by 22/07.
Visual		
1	The proposal to build walls 4.5 and 3.4 metres high around the power storage plant to mitigate noise emissions will serve to negatively affect the visual amenity of this small valley.	Given the topography of the surrounding area, the proposed location of the barriers within the development and the anticipated mature height of the landscape buffer, the barriers are not anticipated to be visually prominent within the development. The vegetation buffer is considered to adequately screen the site from the public domain at maturity, noting that the landscape buffer is generally 3.0 to 3.5 m High + small trees up to 5.0m. It is also noted that the nearby commercial sheds within the area have almost the same height and as such the noise barriers will not be out of context with structures within surrounding land.
2	2. landscape, visual and viewpoint sensitivity have really not been considered and no panoramic baseline photographs have been provided by the applicant to show a genuine overall landscape impact.	The photo montage has not been considered noting that the topography of the site, together with the separation distance from non-associated receivers and vegetation surrounding the site further assists to obscure direct views of the site minimising the potential for ongoing visual impacts. The DBESS and associated infrastructure will be surrounded by a fully secured 1.8 metre high steel wire fence with a landscaped vegetation buffer located on the exterior to assist in lessening the visual impact of the development on the surrounding area. The vegetation buffer is considered to adequately screen the site from the public domain at maturity.
Economical/Social		
1	I don't understand how this facility will benefit me? Energy will be stored from the grid.. Then who is it sold to? Why store energy from the grid to sell it back to the grid?	This project aims to enhance the reliability and sustainability of Murrumbateman's local energy infrastructure and the grid, by drawing energy from the electricity grid during off-peak periods for battery storage and dispatching energy to the grid during high demands. The D-BESS will store excess energy during low demand periods and release it during peak demand, ensuring a more efficient and resilient energy supply for the community. This contributes to a more sustainable and economically viable energy future for local communities and supporting the installation of the roof top solar. Growth in renewable energy capacity will put downward pressure on wholesale electricity prices and deliver affordable, clean, reliable electricity to households and businesses.
Others		

1	In conversation with AC Energy, I discovered that this will be the first system of this nature they have constructed, this does not fill me with confidence that the DA documents will reflect the actual outcome.	ACEnergy have a trusted and proven record of accomplishment with over 1.1GW of successfully delivered projects including solar and BESS projects across both distribution and transmission networks in the NEM, such as Gnarwarre and Terang BESS. ACEnergy has ongoing 7 (seven) ~5MW DBESS projects with 2-hour batteries under construction, located across regional Victoria with a combined capacity of ~ 35MW/70MWh. ACEnergy have recently received development approval DA for Four 5MW DBESS projects in NSW and one (1) 350MW BESS project in Victoria.
2	Assuming the proposal is approved does this "green light" any future expansion of the site/ BESS system without the need for further DA's?	The proposal being considered is the only one proposed.

Community Consultation Summary

Murrumbateman Battery Energy Storage Project (3 Turton Place).

Pre DA lodgement:

As part of our early consultation approach with community and prior DA lodgement, ACEnergy contacted the surrounding residents/ potential receivers by way of a letter drop, containing an introductory brochure about the project on 06/05/24. The letter contained an invitation for residents to contact ACEnergy's representative development officer, should they wish to discuss any particular concerns (Refer to Appendix A).

Two responses were received from immediately adjacent properties (270 Murrumbateman Road & 1 Patemans Lane); they reached out for further information via email request. We provided written responses to the specific queries, and also followed up with discussions over phone call with both parties.

Enquiries in relation to environmental issues such as fire and noise were addressed, with reference to available project information and consultant's assessments reports.

Enquiries regarding potential property devaluation and impacts to future developments on adjoining properties were not able to be resolved by ACEnergy as it is not a planning enquiry, and it may need the advice from Council.

Post DA lodgement

The DA application was submitted to the portal on 04/06, and DA lodgement was accepted 15/06. Followed by the exhibition period which ended on 22/07 after one more week extension. Due to the relatively high number of submissions to council (37), it was evident that further community consultation was required.

Provisions were made by ACEnergy to host two open consultation sessions, in hope of reaching the broader community surrounding the project location. Consultation sessions were designed for two days to allow members of the community to discuss their concerns with two ACEnergy staff, Development Manager Danny Wilkinson and Development officer Hamish Doncaster.

Venu Location: Murrumbateman Community Hall, 19 East Street Murrumbateman 2582.

Date/Time:

- Session 1. Monday, 12/08/24 3pm to 6pm**
- Session 2. Tuesday, 13/08/24 9am to 12pm**

All 120aprox. residencies within a 2 Km radius were notified of the sessions via a written letter (Refer to Appendix B. for addresses and Appendix C. for invitation Letter), posted out on 02/08/24.

Members of the wider community were invited to attend via a public notice in the Yass Valley Times newspaper, run in Edition 08/08/24.

An estimated 30 people attended the sessions over two days, exact figures and details are not available as many attendees requested to keep their details private or did not sign the register.

The majority of concerns raised in consultation sessions were directed at fire risks and noise impacts, along with property value and visual amenity. In many cases concerns were elevated through conveying the relative report/assessment findings in a more easily understandable format.

ACEnergy made all information contained in the DA available to the public during these sessions, and offered detailed explanations of any specific concerns raised, wherever possible.

In addition to, the two-consultation sessions held by ACEnergy following received submissions, we have created a full response spreadsheet in which all community enquiries and concerns have been recorded and responded by ACEnergy.

Appendix A



★ Lvl 3 ,689 Burke Road

Camberwell VIC 3124

🌐 www.acenergy.com.au

✉ info@acenergy.com.au

ACN: 631 442 316

6th April 2024

Subject: 5MW Distribution Battery Energy Storage System (D-BESS) Project in Murrumbateman, NSW

Dear Resident,

ACEnergy is writing to inform you about an upcoming project that we are developing in your community and to seek your valuable input.

ACEnergy is an Australian renewable energy developer specialising in the development of Battery Energy Storage Systems (BESS) and Solar Farms across Australia. At ACFenergy we have a very open and transparent development process and like to engage with residents early in the development stage.

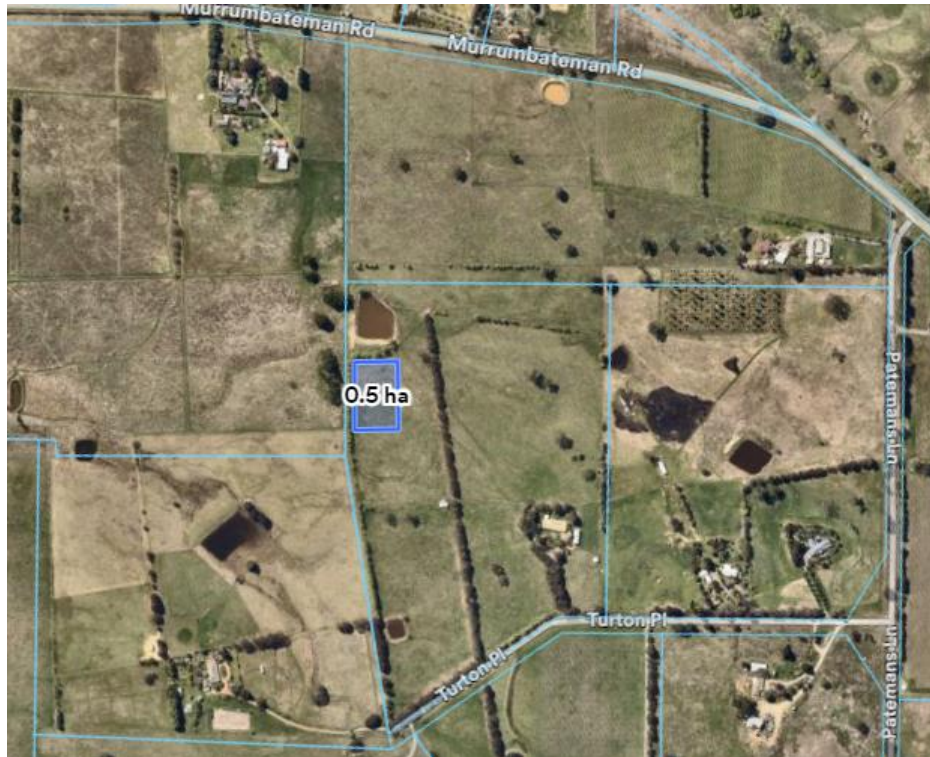
This project aims to enhance the reliability and sustainability of Murrumbateman's local energy infrastructure. The D-BESS will store excess energy during low demand periods and release it during peak demand, ensuring a more efficient and resilient energy supply for the community.

Key Project Features:

1. Capacity: 5 Megawatts
2. Site Size: 0.5 Ha
3. Powers 1000 Homes
4. Location: Turton Place, Murrumbateman, NSW.
5. Purpose: Improve energy grid reliability, reduce energy costs, and support the integration of renewable energy sources.
6. Screened with native vegetation.
7. Battery only, No solar.

Location:

The site location is selected to have minimal visual impact, tucked away in a low corner of a paddock, with some existing vegetation screening in place.

Approximate site location Bellow;

We understand the importance of keeping the community informed. Throughout the project, we will provide regular updates on the progress.

Thank you for your attention, and we look forward to hearing from you, please feel free to reach out on the below phone number or email.

Ph: 0428528220

E: hamish.d@acenergy.com.au

Sincerely,

Hamish Doncaster

Project Development Officer

ACEnergy Pty. Ltd.

Appendix B

270 Murrumbateman Road Murrumbateman NSW 2582 Australia

1A Turton Place Murrumbateman NSW 2582 Australia

1 Patemans Lane Murrumbateman NSW 2582 Australia

5 Turton Place Murrumbateman NSW 2582 Australia

2 Turton Place Murrumbateman NSW 2582 Australia

4 Turton Place Murrumbateman NSW 2582 Australia

6 Turton Place Murrumbateman NSW 2582 Australia

138 Patemans Lane Murrumbateman NSW 2582 Australia

9 Euroka Avenue Murrumbateman NSW 2582 Australia

7A Euroka Avenue Murrumbateman NSW 2582 Australia

11 Euroka Avenue Murrumbateman NSW 2582 Australia

14 Euroka Avenue Murrumbateman NSW 2582 Australia

12 Euroka Avenue Murrumbateman NSW 2582 Australia

10 Euroka Avenue Murrumbateman NSW 2582 Australia

158 Murrumbateman Road Murrumbateman NSW 2582 Australia

124 Murrumbateman Road Murrumbateman NSW 2582 Australia

1 Crisps Lane Murrumbateman NSW 2582 Australia

3 Crisps Lane Murrumbateman NSW 2582 Australia

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7 Crisps Lane Murrumbateman NSW 2582 Australia

9A Crisps Lane Murrumbateman NSW 2582 Australia

8 Crisps Lane Murrumbateman NSW 2582 Australia

6 Crisps Lane Murrumbateman NSW 2582 Australia

5 Euroka Avenue Murrumbateman NSW 2582 Australia

27 Davis Circuit Murrumbateman NSW 2582 Australia

29 Davis Circuit Murrumbateman NSW 2582 Australia

18 Davis Circuit Murrumbateman NSW 2582 Australia

20 Davis Circuit Murrumbateman NSW 2582 Australia

22 Davis Circuit Murrumbateman NSW 2582 Australia

24 Davis Circuit Murrumbateman NSW 2582 Australia

6 Elrington Close Murrumbateman NSW 2582 Australia

4 Elrington Close Murrumbateman NSW 2582 Australia

117 Murrumbateman Road Murrumbateman NSW 2582 Australia

119 Murrumbateman Road Murrumbateman NSW 2582 Australia

147 Murrumbateman Road Murrumbateman NSW 2582 Australia

149 Murrumbateman Road Murrumbateman NSW 2582 Australia

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243 Murrumbateman Road Murrumbateman NSW 2582 Australia

4 Ambleside Avenue Murrumbateman NSW 2582 Australia
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437 Murrumbateman Road Murrumbateman NSW 2582 Australia
392 Murrumbateman Road Murrumbateman NSW 2582 Australia
476 Murrumbateman Road Murrumbateman NSW 2582 Australia

Appendix C



★ Lvl 3 ,689 Burke Road

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✉ info@acenergy.com.au

ACN: 631 442 316

MURRUMBATEMAN DISTRIBUTION BATTERY ENERGY STORAGE PROJECT, NOTICE OF COMMUNITY CONSULTATION.

Dear Resident,

ACEnergy are holding an open community consultation session, in regards to their micro battery proposal in Murrumbateman (see Bellow flyer for project Details). Both sessions will be identical and will focus on answering any queries from nearby residents and individuals in the community.

Location : Murrumbateman Community Hall, 19 East Street Murrumbateman 2582.

Date/Time :

- Session 1. Monday, 12/08/24 3pm to 6pm

- Session 2. Tuesday, 13/08/24 9am to 12pm

Project Description.

ACEnergy are planning on developing a 5 MW Micro D-BESS (Distribution Battery Energy Storage System) in your area. This project aims to enhance the reliability and sustainability of Murrumbateman's local energy infrastructure. The D-BESS will store excess energy during low demand periods and release it during peak demand, ensuring a more efficient and resilient energy supply for the community.

Key Project Features:

8. Capacity: 5 Megawatts
9. Site Size: 0.5 Ha
10. Powers 1000 Homes
11. Location: Turton Place, Murrumbateman, NSW.

12. Purpose: Improve energy grid reliability, reduce energy costs, and support the integration of renewable energy sources.
13. Screened with native vegetation for visual impact management.
14. Note: all Relevant Planning assessments have been completed and included in the DA preparations. Including though not limited to, Ecology, Fire, Acoustic, Traffic, Landscaping.

Location: Between Turton Place and Murrumbateman Road.



Thank you for your attention, and we look forward to seeing you at the consultation session.

Sincerely,

Hamish Doncaster **E: hamish.d@acenergy.com.au**