



# Council Objection Submission

DA240159 – BESS, 3 TURTON PLACE,  
MURRUMBATEMAN

**To:** Regional Planning Panel

**Date:** 26th July 2025

**Objection to:**

DA240159 Distribution Battery Energy Storage System (BESS) application at 3 Turton Place, Murrumbateman within an RU4 zone primary production small lot (winery precinct) in proximity to residential Murrumbateman.

# INTRODUCTION

Councillors have reviewed the assessment report and Council  
**asserts unanimous and robust objection**  
to the Distribution Battery Energy Storage System (BESS) application for  
3 Turton Place, Murrumbateman.

## REVIEW

This objection is based on several critical concerns, particularly the specific incompatibilities of the project within the regionally significant Murrumbateman Cool Climate Wine Precinct:

- **Fire:** The real potential for an uncontrollable fire to break out that could cause smoke taint and ruin entire harvests.
- **Community Mental Health:** The impact this proposal is already having and will continue to have on the mental health of local rural residents, vignerons and tourism operators.
- **Economy:** Should the industrial scale BESS be approved the well-being, mental health and resilience of an entire community that forms an important economic sector of Yass Valley *will suffer*.

***This result clearly does not meet the intent of 'in the public interest.'***

## OBJECTION

This objection draws the Panel's attention to:

- **NSW SEPP:** The key failure of the assessment to identify the true intent of the NSW SEPP in regard to suitability of land for *Electricity Generating Works*.
- **Planning Conflict:** The failure to identify this BESS proposal — typically an auxiliary component of a renewable energy development — as overreach in its attempt to gain backdoor entry into our region as a stand-alone fixture overlooks the planning controls' intent, which would otherwise deem it to be in conflict.

Not only would this proposal - as the first BESS assessment for the Yass Valley Local Government Area - set a precedent for the broader region, but it would also establish a precedent within the acclaimed Murrumbateman Wine Precinct, the jewel of the Canberra Region Wine District.

[Watch the Murrumbateman Wine Trail Video](#)

# KEY OBJECTIONS

- **Mental Health of Community:** The stress and anxiety caused by potential risks.
- **BESS Fire Risk and Management:** Inadequate mitigation measures for fire risks.
- **Impact on Grape Growing Operations:** Risks such as fire and smoke taint to nearby grape growing operations.
- **NSW SEPP Failure of Assessment:** Failure to meet State planning instrument clauses 2.55 on community impact weighting or address impacts on the national and regionally significant established wine-tourism economy. Failure to meet the intent of Clause 2.42 on protecting City or Regional Cities Amenity & Tourism Economy, and by virtue, the ACT Canberra District Wine Region that is anchored and coupled with Murrumbateman.
- **Conflict with LEP and DCP:** Conflict with the Local Environmental Plan (LEP) and incompatibility with the Development Control Plan (DCP).
- **Lack of Genuine Community Engagement:** Insufficient consultation with the community. Refusal of the applicant to engage with Council and the community in regard to any possible relocation of the BESS within the subject block of land

The collage features several promotional materials for the Canberra Wine Region and Murrumbateman:

- WINERIES** brochure listing:
  - Clonakilla:** Celebrated as one of the best wineries in Australia, Clonakilla is a small, family business dedicated to producing distinctive, handcrafted Canberra region wines in limited quantities. Their wines have consistently earned critical acclaim, with Tim Kirk named Gourmet Traveller Wine's Winemaker of the Year in 2013. Address: 3 Clonakilla Lane, Murrumbateman. Phone: 02 6227 5877.
  - Dionysus Winery:** Dionysus Winery's award-winning wines are estate grown and made, which offers you the chance to meet the winemakers during your visit. There are a range of wine and food experiences available and you can relax in the gorgeous outdoor garden with a picnic selected from the picnic fridge. Address: 1 Patersons Lane, Murrumbateman. Phone: 0411 730 724.
  - Four Winds Vineyard:** Four Winds Vineyard cellar door is a perfect place to pull up a chair overlooking the vines, a glass of hand-crafted wine in one hand and a slice of wood-fired pizza in the other. Settle in amongst the scenic vineyards, on easy Winestate drive from the Canberra city centre. Address: 9 Patersons Lane, Murrumbateman. Phone: 02 6227 0189.
  - The Vintner's Daughter:** The Vintner's Daughter is a boutique family winery crafting premium wines from vines dating back to 1978. Having grown up in the region, winemaker Stephanie Hahn made her first wine when she was just 9 years old. Enjoy a tasting overlooking the vineyard and the meadows of farm animals, including emus! Address: 5 Clonakilla Lane, Murrumbateman. Phone: 0468 307 331.
  - Eden Road Wines:** Eden Road is an Australian owned winery and estate based in the Canberra District cool climate wine region, only 20 minutes from the centre of Canberra. Their vines are grown across a collection of unique properties comprising different soils and altitudes, with grape varieties best suited to these conditions, to produce wines of natural purity, finesse and complexity. Address: 3182 Barton Highway, Murrumbateman. Phone: 0466 226 808.
  - McKellar Ridge:** McKellar Ridge is a boutique, family owned winery producing award-winning handcrafted wines. Carefully nurtured from the grapes to the glass, McKellar Ridge wines exhibit the unique characteristics of the Canberra cool-climate region: rich fruit flavours, distinctive spiciness, and crisp acidity. The winery was established in 2002 and is situated alongside McKellar Ridge cellar door on the picturesque Point of View vineyard in Murrumbateman. Address: 2 Eureka Avenue, Murrumbateman. Phone: 0409 780 861.
  - Shaw Wines:** Shaw Wines offers new levels of wine tasting in their open seated tasting room where their friendly and knowledgeable staff will guide you through the wines using the basket system. Those who just want a glass of wine to relax and enjoy the lovely lounge or outdoor terrace. Address: 34 Isabel Drive, Murrumbateman. Phone: 02 6227 5827.
  - Murrumbateman Winery:** Open 7 days a week, Murrumbateman Winery is a boutique winery that combines traditional methods, small batches and creativity to produce outstanding and award-winning cool climate wines. Enjoy guided wine tasting of a large range of Patersons wines, tasting plates, casual functions. Drop in freely. Check our social media for special events including live music, art and dogs days out. Address: 131 McLeish Circuit, Murrumbateman. Phone: 0432 826 454.
- Canberra Wine Region E-BIKE TOURS:** He likes bikes, she likes wine, and so Canberra Wine Region E-Bike Tours was born. Customise and control your own unique experience while rolling effortlessly through the scenic countryside on gorgeous Lekker e-bikes. Located in the heart of Canberra's cool climate wine region, with cellar doors, dining options and unique experiences right at our doorstep. Address: 7 Ansoning Street, Murrumbateman, NSW 2582. Phone: 0490 043 432. Website: winetides.com.au.
- Visit Yass Valley:** @VisitYassValley, www.yassvalley.com.au. Features a photo of three women on bicycles with wine baskets.
- Murrumbateman Winery Trail:** Overview text: "Wine, dine and ride your way through the region enjoying the journey as much as the destination! Discover a new way of exploring some of the Canberra District Wine Region with the new Murrumbateman Winery Trail. A 14km trail passing eight of our region's award-winning wineries and only a short detour to many other attractions that the Murrumbateman Village has to offer." Includes a small map and a photo of a person on a bicycle.
- Canberra Wine District:** A photo of a person holding a glass of wine, with text: "Murrumbateman provides a great base to explore the many food & wine experiences available across the region. From grand designs to historic buildings, cellar doors within the region offer a range of unique experiences, to suit all levels of wine appreciation. Experience more of the Canberra Wine District, delivering unique qualities derived from an environment like no other in Australia. The tranquil rural countryside around the region is home to 143 vineyards. For more information visit: www.canberrawine.com.au".

## COUNCIL OBJECTION SUBMISSION

- **Visual and Acoustic Impact:** The proposal would result in negative visual and noise impacts on the area. No acoustic mapping has been provided to assess the burden of noise across the site and surrounding neighbourhood. There appears to be a disingenuous reduction of inputs into the noise modelling — with original data revealing outcomes that would prohibit permissibility — despite the applicant not committing to specific equipment to validate the modelling.
- **Reflective Material Impacts:** Potential issues with reflective materials used in the BESS. Refusal of the applicant to specifically address Council and community's concerns within the 12 months planning process.
- **Conflict with Future Homes:** Incompatibility with future residential developments.
- **Industrialisation of Agri-Tourism Areas:** Contradiction with regional and local strategic documents.
- **End of Life Decommissioning Concerns:** Unclear plans for decommissioning the BESS at the end of its life cycle.
- **Incompatibilities specific to 3 Turton Place:** The assessment report is inconsistent in its application of the DCP, particularly in relation to setback controls. It states that the DA is compatible with the surrounding rural agricultural land use, yet fails to apply the same standards that would typically be required for a rural agricultural structure. For example, a small cottage or farm outbuilding would not be approved just 13 metres from the boundary. Under the DCP, the required setback is 50 metres

*When requested by Council and community for the applicant to consider other site placements of the BESS on the block – **it was flatly refused.***

# SEP/DCP

The SEPP only overrides local planning controls where there is a conflict. Given the assessing officer's declaration that **no such conflict exists, the DCP should apply**. Regardless of the fact that the DCP does not explicitly reference Electricity Generation Works (EGW), its intent should still be upheld and applied.

## NOISE STANDARDS

**If there is no conflict, then the proposal should meet the noise standards set out in the DCP — but it fails this test.**

The DCP requires that noise levels not exceed five decibels above the ambient background level when measured from the property boundary. However, the proposal's acoustic assessment measured noise at 30 metres from the dwelling, in line with the *Noise Policy for Industry* — a standard more appropriate for industrial zones, not rural settings.

Under the DCP, noise should be measured from the boundary line of the property. With the proposed infrastructure located just 13 metres from the boundary, the assessment fails to consider the productive use and working amenity of neighbouring farms. These properties support activities such as viticulture and truffle cultivation, which involve soil care, vine maintenance, weed management, animal breeding and training, truffle dog handling, and equine work. The safety and effectiveness of these operations could be compromised by sudden or ambient industrial noise, to which animals are particularly sensitive.

The *Noise Policy for Industry* also includes a substantial section outlining expectations for community engagement. Council holds the view that the proponent has failed to meaningfully engage with the local community on this issue.

## DCP REVIEW

The assessing officer's claim that a future revised DCP would be less prescriptive is inaccurate and does not reflect the position of Yass Valley Council. Council resolved to review the new DCP within 12 months of its adoption to ensure it best serves the community, and this objection submission is a clear indication to the Panel of Council's intent to strengthen — not weaken — the DCP.

## NSW SEPP WEIGHING COMMUNITY IMPACTS

Clause 2.55 from the *State Environmental Planning Policy (Transport and Infrastructure) 2021* has NOT been adequately considered in the assessment report.

Forty-eight responses are genuinely significant for a rural DA of this nature. The community has clearly expressed its concerns and these have been ignored by the proponent. This level of significant public interest should be given due weight by the Regional Planning Panel.

The exact legislative clause from the *State Environmental Planning Policy (Transport and Infrastructure) 2021* that relates to **weighing community impacts** is:

### **Clause 2.55 – Matters for consideration—Electricity Generating Works**

*Before determining a development application to carry out development for the purposes of electricity generating works, a consent authority must consider the following—*

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) the potential for land use conflict in the vicinity of the development,
- (c) the impact of the development on the scenic quality of the locality, including its visual impact,
- (d) the impact of the development on significant environmental, cultural, heritage and landscape features of the land,
- (e) the suitability of the development in view of the future use and development of land in the vicinity of the development,
- (f) the cumulative impact of the development with other existing or approved developments,
- (g) the measures proposed to avoid, minimise or mitigate the impacts of the development,
- (h) the justification for the development,
- (i) the public interest.



# COUNCIL'S OBJECTION RESPONSE

Clause 2.55 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* explicitly requires that prior to granting consent for electricity generating works, the consent authority must carefully consider a range of factors — including **land use conflicts, visual and environmental impacts, cumulative effects**, and the overarching **public interest**.

In this instance, it is clear that these considerations have not been properly or genuinely weighed. The **only parties to benefit** from the proposed BESS development at 3 Turton Place are the **private landowner** and the **project proponent**, ACE Energy — both of whom stand to gain financially.

**In stark contrast, the surrounding community is bearing the full burden of risk: permanent industrialisation of a rural setting, continuous operational noise, fire hazard exposure, visual degradation, and a significant loss of amenity.**

- There has been no meaningful assessment of **land use conflict**, despite the fact that the BESS introduces a utility-scale industrial operation into a clearly incompatible rural-residential landscape.
- The **visual and acoustic impacts** have been minimised or dismissed, **cumulative effects** have been ignored entirely, and the requirement to serve the **public interest** has been **fundamentally overlooked**.

The Assessment Report makes only **superficial reference** to Clause 2.55 and fails to demonstrate how these statutory considerations were balanced. There is no evidence of any attempt to reconcile the overwhelming community opposition with the claimed benefits — those benefits have been kept **private**, not public. On that basis, the consent authority cannot reasonably claim to have satisfied the obligations imposed under Clause 2.55, and the application must be refused on both legal and ethical planning grounds.

The assessment has failed to identify the true intent of the NSW SEPP as it applies in this particular instance. While some provisions allow for the consideration of regionally significant electricity generation auxiliary infrastructure located off-site from the source of generation, the SEPP also provides protections for the nationally significant wine and tourism destination experience economy, as well as for the mental health and well-being of rural residents.





# CONFLICTS WITH THE MURRUMBATEMAN WINE DISTRICT



## SEPP & WINERY PRECINCTS

Under the State Environmental Planning Policy (SEPP) for electricity generating works in New South Wales, Battery Energy Storage System (BESS) developments that are not associated with renewable energy projects face restrictions in RU4 (Primary Production Small Lots) zones and winery precincts.

This is for several reasons:

- **Land Use Prioritisation:** RU4 zones are designated for small-scale agricultural activities and rural living. Allowing standalone BESS developments could conflict with the primary agricultural use of the land, potentially disrupting farming activities and the rural character [1](#).
- **Visual and Environmental Impact:** Winery precincts often have specific aesthetic and environmental values that need to be preserved. Standalone BESS facilities might negatively impact the visual appeal and environmental integrity of these areas [2](#).

- **Policy Objectives:** The policy aims to minimise potential land use conflicts, avoid the sterilisation of productive agricultural land, and ensure that developments do not adversely affect the visual and environmental qualities of the area [2](#).

**These factors collectively contribute to the restrictions on standalone BESS developments in RU4 zones and winery precincts under the NSW SEPP.**

## SEPP PROTECTION UNDER WINE-TOURISM-ECONOMY CONNECTION WITH CITY - CANBERRA, ACT.

### 2.42 Determination of development applications for solar or wind electricity generating works on certain land

- (1) This section applies to development in a regional city for the purposes of electricity generating works using a solar or wind energy source that is—
  - (a) State significant development, or
  - (b) regionally significant development.
- (2) Development consent must not be granted unless the consent authority is satisfied that the development—
  - (a) is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and
  - (b) is unlikely to have a significant adverse impact on the regional city’s—
    - (i) capacity for growth, or
    - (ii) scenic quality and landscape character.
- (3) In determining whether to grant development consent, the consent authority must consider measures proposed to be included in the development to avoid or mitigate conflicts referred to in subsection (2)(a) or adverse impacts referred to in subsection (2)(b).
- (4) In this section—

***Regional Cities Map*** means the *State Environmental Planning Policy (Infrastructure) 2007 Regional Cities Map*.

***regional city*** means an area of land identified as “subject land” on the *Regional Cities Map*

# COUNCIL'S OBJECTION RESPONSE

Under Clause (2) Development consent must not be granted unless the consent authority is satisfied that the development—

- (a) **is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and**
- (b) **is unlikely to have a significant adverse impact on the regional city's—**
  - (i) **capacity for growth, or**
  - (ii) **scenic quality and landscape character.**

Yass Valley Council asserts that the connection between Canberra and cross border adjacent Murrumbateman through the regional wine-agri-tourism economy triggers Clause 2.42. The ACT Government actively supports and relies on the Canberra District Wine Region anchored in Murrumbateman for destination tourism. As such the scenic quality, landscape character, amenity and capacity for growth of the supporting community and symbiotic economies should not be decoupled from each other in this planning assessment. The intent of the SEPP here is to protect the Murrumbateman District supporting the city of Canberra.

## MURRUMBATEMAN WINERY PRECINCT AND THE WINERY TRAIL

The location of the proposed BESS is within the Murrumbateman Winery Precinct and The Winery Trail, which showcases the following wineries:

- **Dionysus Winery** - Located at 1 Patemans Lane
- **Four Winds Vineyard** - Located at 9 Patemans Lane
- **Clonakilla** - Located at 3 Crisps Lane
- **Murrumbateman Winery** - Located at 131 McIntosh Circuit
- **McKellar Ridge Wines** - Located at 2 Euroka Avenue
- **The Vintner's Daughter** – Located at 5 Crisp Lane
- **Shaw Wines** – Located at 34 Isabel Drive
- **Eden Road Wines** - Located at 3182 Barton HWY
- **McKellar Ridge Wines** – Located at 2 Euroka Ave
- **Murrumbateman Winery** - Located at 131 McIntosh Cct

## INCONSISTENCY WITH WINERIES LAND USE

The proposed BESS is inconsistent with the established land use of the renowned Canberra Region Wine District and Yass Valley's acclaimed Murrumbateman cool climate wine region. The introduction of such a facility poses significant risks that cannot be adequately mitigated. These include:

- **Smoke Taint to Grapes:** The risk of smoke taint from potential fires could severely impact grape quality causing loss of harvest - as was experienced in 2020 by the devastating impact of smoke taint from bush fires in the region.
- **Release of Toxic Chemicals:** A lithium battery fire could release toxic chemicals into the environment, posing health risks and crop damage.
- **Impact on Community Mental Health:** The ever-present potential risks associated with the BESS, such as fire hazards and environmental contamination, is highly likely to create significant mental health strain on our grape-producing and wine-making community members. Living with the ongoing risk of a lithium battery fire can lead to heightened anxiety and stress, contributing to mental health issues such as depression and post-traumatic stress disorder (PTSD) [1](#). The diminishment of local amenity, coupled with the audio and visual impact of the BESS, further exacerbates these concerns.
- **Mental Health Impacts on Vignerons:** Vignerons living with the constant threat of smoke taint to their grapes and the potential loss of harvest face significant mental health challenges. The fear of losing an entire season's work due to smoke contamination can lead to chronic stress, anxiety, and depression [2](#). The financial implications of a ruined harvest add to the mental burden, as vignerons may struggle to recover economically from such losses.





## CONFLICT WITH LONG-TERM INVESTMENT

*Council draws attention to the significant long-term investments made by vigneron families, Yass Valley Council, and the State government in winery visitation infrastructure and promotion, including the recently installed \$2 million Winery Trail.*

This proposal directly conflicts with the above investments and Council's commitment to supporting the wine economy through promotional efforts and tourism campaigns.



## LOCAL WINE PRODUCTION STATISTICS

The Murrumbateman wine district is a key part of the Canberra Wine Region, which includes over 30 wineries and produces approximately 1,500 tonnes of grapes annually [3](#). This region is known for its premium cool climate wines, contributing significantly to the local economy and tourism industry.

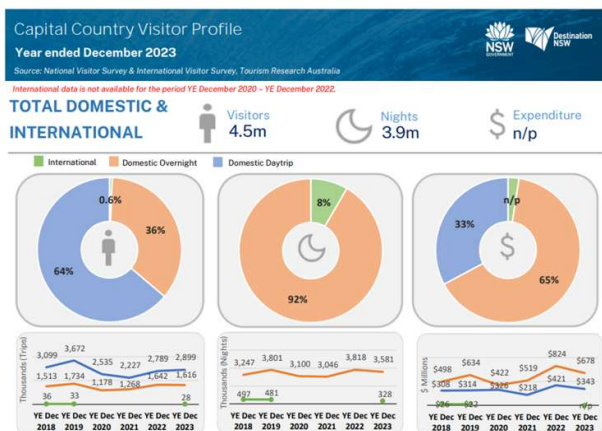
## TOURISM IMPACT STATISTICS

Murrumbateman attracts over 100,000 visitors annually, with wine tourism being a major draw. The region's wineries, along with other local attractions, contribute an estimated \$10 million to the local economy each year. This influx of visitors supports numerous local businesses, including accommodation providers, restaurants, and retail shops, creating local jobs and fostering economic growth.

## REGIONAL TOURISM DATA

Murrumbateman's tourism sector has seen a steady increase in visitor numbers, with a 15% growth in annual visitors over the past five years. The region's events, such as the Murrumbateman Moving Feast and the Murrumbateman Village Market, attract thousands of attendees, further boosting local businesses.

### Regional Tourism data



### CAPITAL COUNTRY

#### Major towns

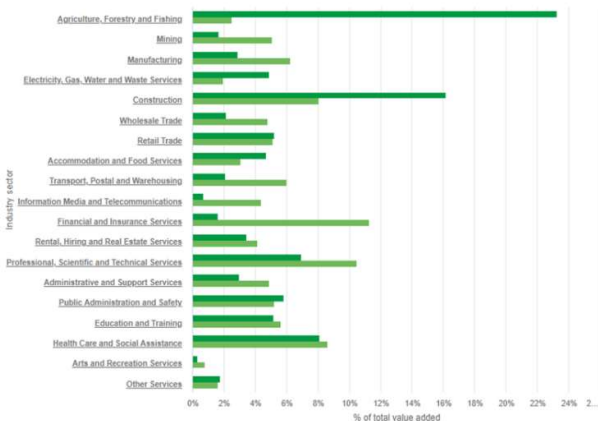
Bowral  
Goulburn  
Yass  
Young

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### Yass Valley industry value add

#### Value added by industry sector 2022/23

Yass Valley New South Wales



Agriculture, Construction and Health Care and Social Assistance have the highest value add in the region

Source: National Institute of Economic and Industry Research (NIEIR) ©2023 Compiled and presented in economy.id by .id (informed decisions).

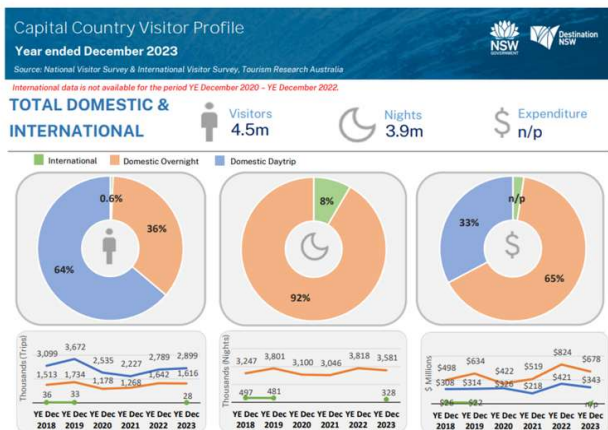
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## IMPACT ON THE NATION

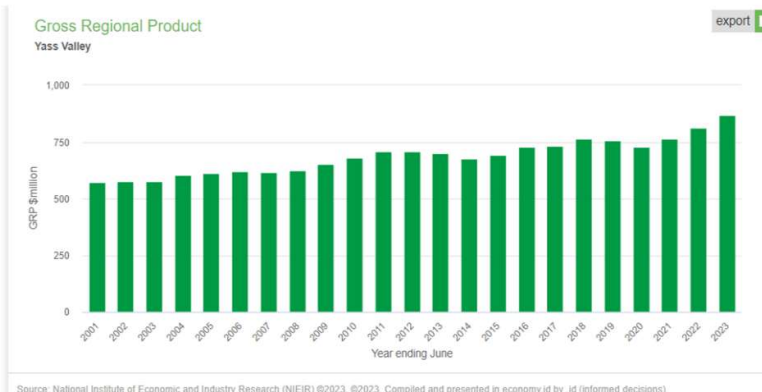
The Gross Regional Product (GRP) of Yass Valley is estimated at **\$0.80 billion** <sup>1</sup>. This represents approximately 0.1% of the Gross State Product (GSP) of New South Wales. The economy of Yass Valley is diverse, with significant contributions from agriculture, viticulture, construction, and tourism <sup>1</sup>.

### Regional Tourism data



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### Yass Valley economy 2023



Strong growth, year on year since 2020

Growth between 2022 and 2023 - \$54 million

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## ENVIRONMENTAL IMPACT STUDIES

Environmental impact studies in the Murrumbateman area have highlighted several concerns related to development projects. These include the preservation of critically endangered woodland ecosystems, the impact of urban development on agricultural land, and the need for sustainable development practices to protect the natural environment. The proposed BESS could exacerbate these issues by introducing industrial elements into a predominantly agricultural and tourism-focused region.



## COMMUNITY OBJECTIONS RECEIVED

**Local Vignerons:** *"The introduction of a BESS in our wine district is a direct threat to our livelihood. The risk of smoke taint and environmental contamination is too high. We have invested decades into building a reputation for premium wines, and this project jeopardises that."*

**Resident:** *"I am deeply concerned about the potential health risks associated with the BESS. The possibility of toxic chemical release from a battery fire is alarming. Our community's well-being should be the top priority."*

**Tourism Operator:** *"Murrumbateman's charm lies in its picturesque vineyards and serene environment. The industrial nature of the BESS is incompatible with the tourism experience we offer. This project could deter visitors and harm local businesses."*

**Local Business Owner:** *"Our business relies heavily on the influx of tourists visiting the wineries. Any negative impact on the wine industry will directly affect our revenue and the local economy."*

**Environmental Advocate:** *"The environmental risks posed by the BESS, including potential contamination and habitat disruption, are unacceptable. We must prioritise sustainable development that aligns with our region's ecological values."*

**Community Member:** *"The lack of genuine community engagement in this project is concerning. Our voices need to be heard and considered in decisions that affect our region's future."*

## NSW SEPP PROTECTIONS TO MURRUMBATAMAN

The Assessment Report does not give due weight to NSW SEPP Protections that recognise the international and regional significance of Murrumbateman's key role in the Canberra Region Wine District.

The SEPP provisions that apply to the protection of Yass Valley's existing regionally significant wine district from a regionally significant BESS proposal include the following:

- **SEPP (Primary Production and Rural Development) 2019:**  
**Objective:** This SEPP aims to protect and enhance the agricultural productivity of rural lands, including viticulture. It ensures that developments do not adversely affect the viability of agricultural operations [1](#).  
**Provisions:** The SEPP includes provisions to prevent land use conflicts and ensure that developments are compatible with existing agricultural activities. This is crucial for protecting the Murrumbateman wine district from industrial developments like BESS facilities [1](#).
- **SEPP (Infrastructure) 2007:**  
**Objective:** This SEPP facilitates the delivery of infrastructure while ensuring that it is appropriately located and managed to minimise environmental and social impacts [2](#).  
**Provisions:** The SEPP requires that infrastructure projects, including BESS, undergo rigorous environmental assessment to ensure they do not negatively impact surrounding land uses, particularly sensitive areas like wine districts [2](#).
- **SEPP (Environment) 2017:**  
**Objective:** This SEPP aims to protect and enhance the natural environment, including areas of environmental significance [3](#).  
**Provisions:** The SEPP includes provisions for the protection of biodiversity, water quality, and soil health. It ensures that developments do not compromise the environmental integrity of the region, which is vital for the sustainability of the wine district [3](#).
- **SEPP (Exempt and Complying Development Codes) 2008:**  
**Objective:** This SEPP provides streamlined approval processes for minor developments while ensuring that significant developments undergo thorough assessment.  
**Provisions:** The SEPP ensures that regionally significant developments, such as BESS, are subject to comprehensive environmental and social impact assessments. This helps protect the wine district from developments that could have substantial negative impacts.

➤ **SEPP (Planning Systems) 2021:**

**Objective:** This SEPP aims to ensure that planning decisions are made transparently and in alignment with strategic planning objectives.

**Provisions:** The SEPP mandates public consultation and the consideration of community submissions in the planning process. This ensures that the concerns of the Murrumbateman wine district community are heard and addressed.



**These SEPP provisions collectively help safeguard the Yass Valley wine district from developments that could disrupt its economic, environmental, and social fabric.**

## DIRECT CONFLICT WITH YASS VALLEY LEP

A BESS development in the Murrumbateman Winery Precinct conflicts with the Yass Valley Council's Local Environmental Plan (LEP) in several ways:

➤ **Land Use Compatibility:**

The LEP aims to preserve the agricultural character of the region, particularly areas designated for viticulture and wine production. Introducing a BESS facility, which is industrial in nature, is inconsistent with the established land use and can disrupt the agricultural activities [1](#).

➤ **Environmental Protection:**

The LEP includes provisions to protect environmentally sensitive areas and maintain the ecological balance. BESS facilities pose risks such as potential fires and chemical leaks, which can lead to soil and water contamination, adversely affecting the local environment and agricultural land [1](#).

➤ **Visual and Acoustic Impact:**

The LEP emphasises maintaining the visual amenity and rural character of the region. BESS facilities can have significant visual and acoustic impacts, including noise pollution and unsightly industrial structures, which detract from the scenic beauty of the winery precinct [1](#).

➤ **Community Well-being:**

The LEP prioritises the well-being of the community, including mental health and quality of life. The presence of a BESS facility introduces risks and stressors, such as the fear of fires and environmental contamination, which can negatively impact the mental health of residents and vignerons [1](#).

➤ **Economic Impact:**

The LEP supports the growth and sustainability of the local economy, particularly the wine industry and tourism. A BESS facility can conflict with these economic goals by posing risks to grape production and deterring tourists who are attracted to the region's natural beauty and wine culture [1](#).

## FAILURE TO CONSIDER COMMUNITY SUBMISSIONS

The assessment report for the BESS application **has failed to give adequate weight to community submissions**, which reflect genuine concerns and objections from local residents, vignerons, and business owners. The assessor erred in the assumption that the strong objections were not reflective of wider community rejection. This judgement was made with no evidence such as further wider consultation or surveys to support the assertion. The Panel should dismiss such speculation and instead rely on Yass Valley Council's objection made unanimously by the elected representatives, as a true reflection of wide community objection to the BESS within the winery precinct. This undermines the democratic process and disregards the significant impact the project would have on the community [1](#).

These conflicts highlight the importance of adhering to the LEP to ensure that development in the Murrumbateman winery precinct supports the long-term sustainability and well-being of the region.



# SPECIFIC CONFLICTS WITH THE YASS VALLEY LEP

*Whilst acknowledging that the provisions of SEPP override the LEP where there is conflict- there are still many provisions of the LEP that should apply because they do not conflict with the SEPP.* A BESS development in the Murrumbateman Wine Precinct conflicts with several specific parts of the Yass Valley Local Environmental Plan (LEP) 2013. Here are the key areas of conflict:

## ZONING OBJECTIVES

- **RU4 Small lot Primary Production Zone:** The primary objective of this zone is to encourage sustainable primary industry production by maintaining and enhancing the natural resource base. A BESS facility, being industrial in nature, is inconsistent with this objective as it does not contribute to primary production and may pose risks to agricultural activities [1](#).
- **Land Use Table:** The LEP specifies permissible land uses within each zone. In the RU4 Primary Production Zone, permissible uses are primarily related to agriculture, viticulture, and associated activities. Industrial uses like BESS are generally prohibited unless explicitly permitted - **which is not the case here** [1](#).

## ENVIRONMENTAL PROTECTION

- **Clause 6.3 - Riparian Land and Watercourses:** This clause aims to protect and maintain the health of watercourses and riparian land. The introduction of a BESS facility poses risks of contamination from potential fires and chemical leaks, which could adversely affect nearby watercourses and the broader environment [1](#).
- **Clause 6.4 - Terrestrial Biodiversity:** This clause seeks to protect areas of high biodiversity value. The construction and operation of a BESS facility could disrupt local ecosystems and biodiversity, conflicting with the LEP's environmental protection goals [1](#).



## SCENIC AND CULTURAL LANDSCAPE

**Clause 6.8 - Scenic Protection:** The LEP aims to protect and enhance the scenic and cultural landscapes of the region. The visual and acoustic impacts of a BESS facility, including noise pollution and industrial structures, would detract from the scenic beauty of the Murrumbateman Wine Precinct [1](#).

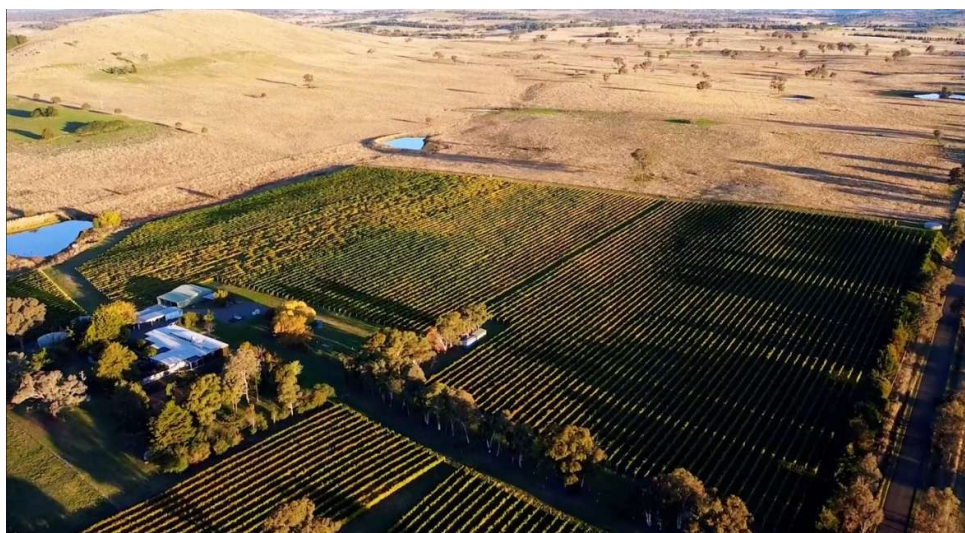
## COMMUNITY WELL-BEING

**Clause 1.2 - Aims of Plan:** One of the aims of the LEP is to promote the orderly and sustainable development of land in a manner that is consistent with the needs of the community. The introduction of a BESS facility, which poses risks to the local wine industry and community well-being, is inconsistent with this aim [1](#).

## ECONOMIC IMPACT

**Clause 6.9 - Protection of Agricultural Land:** This clause aims to protect agricultural land from incompatible development. The wine industry is a significant economic driver in the Yass Valley, and the introduction of a BESS facility could negatively impact grape production and the broader wine economy [1](#).

**These conflicts highlight the importance of adhering to the Yass Valley LEP to ensure that development in the Murrumbateman wine precinct supports the long-term sustainability and well-being of the region.**





# SPECIFIC CONFLICTS WITH THE YASS VALLEY SETTLEMENT STRATEGY

The Assessment and the Development Application fails to give adequate consideration of the Yass Valley Settlement Strategy. The Yass Valley Settlement Strategy provides a comprehensive framework to guide growth and development in the region, with specific measures to protect the Murrumbateman Wine Precinct's economy and land use. Here are some key aspects:

## **SUSTAINABLE DEVELOPMENT**

The strategy emphasises environmentally, socially, and economically sustainable settlements. This includes ensuring that new developments do not compromise the existing agricultural and tourism activities that are vital to the Murrumbateman Wine Precinct [1](#).

## **PRESERVATION OF AGRICULTURAL LAND**

One of the guiding principles is to complement existing settlement structures and land uses. This means that agricultural lands, including vineyards, are protected from incompatible developments that could disrupt their operations [1](#).

## **MINIMISING LAND USE CONFLICTS**

The strategy aims to minimise potential conflicts between residential, agricultural, and industrial land uses. This is particularly important for the wine district, where the introduction of industrial facilities like BESS could pose risks to grape production and the overall environment [1](#).

### ➤ **Support for the Wine Economy:**

The strategy recognises the importance of the wine industry to the local economy and includes measures to support its growth. This includes maintaining the character and function of the wine district, promoting tourism, and ensuring that infrastructure developments do not negatively impact the wine industry [1](#).

### ➤ **Community Engagement:**

The strategy emphasises the importance of genuine community engagement in planning decisions. This ensures that the voices of local residents, including vignerons and business owners, are heard and considered in the development process [2](#).

➤ **Proposal's incompatibility with Regional Plans:**

The Yass Valley Settlement Strategy aligns with the South East and Tablelands Regional Plan 2036, which sets out a vision for a connected and prosperous economy, healthy and connected communities, and environmentally sustainable housing choices. This alignment ensures that local planning efforts support broader regional goals [2](#).

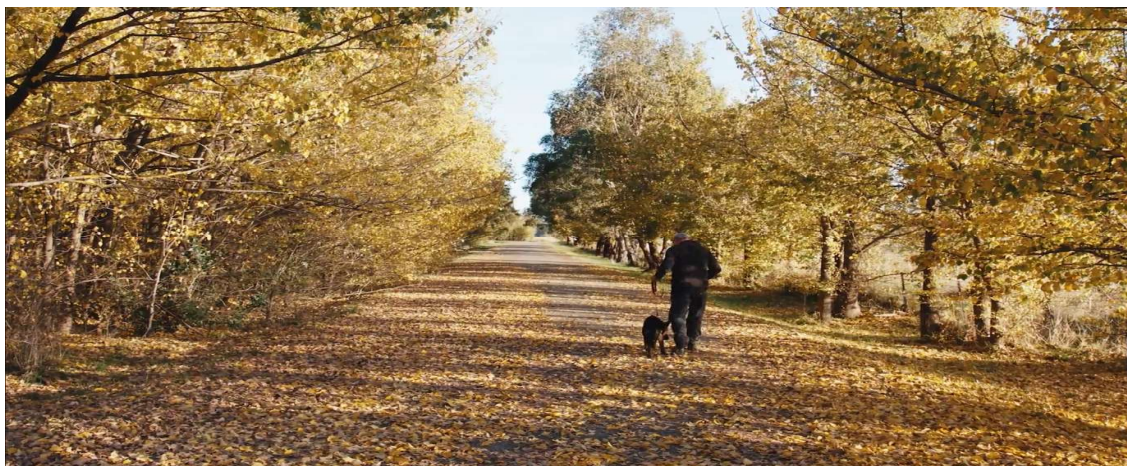
➤ **Failure to Give Weight to Community Submissions:**

The Assessment Report has failed to give appropriate weight to the numerous community submissions opposing the BESS application. These submissions reflect the genuine concerns and objections of local residents, vignerons, business owners, and environmental advocates. Ignoring these voices undermines the democratic process and disregards the significant impact this project would have on the community.

By focusing on these principles, the Yass Valley Settlement Strategy aims to protect the Murrumbateman wine district's economy and land use, ensuring that growth and development are managed in a way that supports the long-term sustainability of the region.



# KEY OBJECTIONS IN MORE DETAIL



**Smoke taint** occurs when grapes are exposed to smoke from wildfires or other sources, leading to a range of negative effects on the quality and taste of the final wine causing vignerons to lose an entire harvest.

Here are the key impacts:

➤ **Absorption of Smoke Compounds:**

Grapes can absorb volatile phenols from smoke, such as guaiacol and 4-methylguaiacol, through their skins. These compounds can bind to grape sugars, forming glycosides that may not initially have a smoky aroma [1](#).

➤ **Undesirable Flavours and Aromas:**

During fermentation and aging, the glycosides can break down, releasing the volatile phenols and imparting smoky, burnt, ashy, or medicinal flavours to the wine [1](#). These off-putting flavours can overwhelm the natural characteristics of the grape varieties, masking the intended fruity, floral, and earthy notes [2](#).

➤ **Consumer Perception:**

Wines affected by smoke taint are often negatively received by consumers, who may detect unpleasant smoky or burnt notes. This can diminish the overall enjoyment of the wine and lead to reputational damage for wineries [1](#).

➤ **Economic Impact:**

The presence of smoke taint can significantly reduce the marketability of the wine, leading to diminished demand and potential financial losses for wineries [2](#). The economic impact can be substantial, affecting the sustainability of vineyards and the broader wine industry.

➤ **Long-Term Vineyard Health:**

Repeated exposure to smoke can compromise the health of grapevines, affecting future yields and the overall sustainability of the vineyard [2](#). This raises concerns for the long-term viability of wine production in regions prone to wildfires.

These impacts highlight the significant threat that smoke taint poses to the wine industry, particularly in regions like Murrumbateman where viticulture is a key economic activity.



# RISK OF BESS FIRES

## RISK OF BESS FIRES UNABLE TO BE MITIGATED - CASE EXAMPLES

Examples of BESS fires that have posed significant challenges and could be relevant to the concerns of the Murrumbateman wine district:

- **Chaumont, New York State (July 2023):** A BESS fire near Lake Ontario took four days to extinguish. Firefighters maintained a safe distance due to the risk of explosion, highlighting the challenges in managing such fires [1](#).
- **Chandler, Arizona (April 2022):** A fire involving a containerised BESS unit burned for over ten days. An automatic sprinkler system was used continuously to keep the temperature down, and a robot was eventually deployed to open the container doors safely [1](#).
- **Warwick, New York State (June 2023):** Two BESS fire incidents occurred on consecutive days at separate locations, involving the same company and model of batteries. These incidents underscore the potential for repeated failures and the difficulty in containing such fires [1](#).
- **Gunwi-gun, North Gyeongsang Province, South Korea (January 2022):** A BESS fire caused significant controversy when firefighters, unaware of the explosion risk, entered the building. Fortunately, no explosion occurred, but the incident highlighted the dangers and challenges in managing BESS fires [1](#).

These examples illustrate the potential risks and difficulties in containing BESS fires, which could have severe implications for nearby wineries and grape-growing regions. The release of smoke and toxic chemicals from such fires could lead to smoke taint and environmental contamination, threatening the quality of the grape harvest and the mental health of vignerons.



## BESS FIRE LONG TERM IMPACT

The long-term effects of Battery Energy Storage System (BESS) fires can be significant and multifaceted, impacting both the environment and public health. Here are some key points:

## ENVIRONMENTAL CONTAMINATION

- **Air Quality:** BESS fires release various pollutants, including toxic gases and particulates. These emissions can degrade air quality, posing health risks to nearby communities [1](#).
- **Soil and Water Contamination:** Firefighting efforts often involve large amounts of water, which can carry contaminants from the fire into the soil and groundwater. This can lead to long-term soil and water pollution [1](#).

## HEALTH IMPACTS

- **Respiratory Issues:** Exposure to smoke and toxic gases from BESS fires can cause acute and chronic respiratory problems. Long-term exposure to these pollutants can increase the risk of developing conditions such as asthma and chronic obstructive pulmonary disease (COPD) [1](#).
- **Chemical Exposure:** The release of hazardous chemicals during a BESS fire can have long-term health effects, including potential carcinogenic risks [1](#).

## ECONOMIC CONSEQUENCES

- **Property Damage:** BESS fires can cause extensive damage to property, including nearby buildings and infrastructure. The cost of repairs and rebuilding can be substantial [2](#).
- **Agricultural Impact:** In regions like Murrumbateman, where agriculture and viticulture are prominent, BESS fires can lead to crop contamination and loss of harvest. This can have long-term economic impacts on local farmers and the wine industry [1](#).

## COMMUNITY AND MENTAL HEALTH

- **Stress and Anxiety:** The ongoing risk of BESS fires can cause significant stress and anxiety among community members. This is particularly true for vignerons who face the constant threat of smoke taint and loss of harvest [1](#).
- **Displacement:** In severe cases, BESS fires may lead to temporary or permanent displacement of residents, disrupting communities and causing long-term social and psychological effects [1](#).

## REGULATORY AND INSURANCE IMPLICATIONS

- **Stricter Regulations:** Repeated incidents of BESS fires can lead to stricter regulations and safety standards for energy storage systems. This can increase the cost and complexity of deploying BESS technology [3](#).
- **Insurance Challenges:** The risk of BESS fires can make it more difficult and expensive to obtain insurance for such facilities. Insurers may require more comprehensive risk assessments and mitigation measures [3](#).

These long-term effects highlight the importance of robust safety measures and effective risk management strategies for BESS installations, especially in sensitive areas like wine regions.

## BESS FIRES

There are several case studies on BESS fires that show mitigation of large fires is mostly passive (batteries must be left to burn out and suppression is focussed on protection of adjacent flammable infrastructure). Recovery efforts highlight the challenges and strategies involved in managing and recovering from such incidents. Here are a few notable examples:

- **Moss Landing, California (2021):**  
**Incident:** A fire broke out in a 300 MW/1,200 MWh BESS facility, one of the largest in the world. The fire was contained, but it caused significant damage to the facility.  
**Recovery Efforts:** The recovery involved extensive inspections, repairs, and upgrades to the safety systems. The facility was offline for several months while the cause of the fire was investigated and improvements were made to prevent future incidents. Enhanced fire detection and suppression systems were installed, and operational protocols were updated to improve safety [1](#).
- **McMicken, Arizona (2019):**  
**Incident:** A fire and explosion occurred at a 2 MW/2 MWh BESS facility. The incident was caused by an internal cell failure that led to thermal runaway.  
**Recovery Efforts:** The recovery process included a thorough investigation by multiple agencies, leading to recommendations for improved safety standards. The facility was decommissioned, and lessons learned were applied to other BESS projects. The incident prompted the development of new safety guidelines and standards for BESS installations [2](#).



➤ **Liverpool, UK (2020):**

**Incident:** A fire at a 20 MW BESS facility caused significant damage and required a coordinated response from emergency services.

**Recovery Efforts:** The recovery involved detailed forensic analysis to determine the cause of the fire. The facility was upgraded with advanced fire suppression systems and improved battery management protocols. The incident led to increased collaboration between industry stakeholders to enhance safety measures across BESS projects [3](#).

➤ **Beijing, China (2021):**

**Incident:** A fire at a 25 MW/50 MWh BESS facility resulted in extensive damage and raised concerns about the safety of large-scale energy storage systems.

**Recovery Efforts:** The recovery process included a comprehensive review of the facility's design and safety features. Upgrades were made to the fire detection and suppression systems, and additional training was provided to staff on emergency response procedures. The incident also spurred regulatory changes to improve the safety of BESS installations in China [3](#).

These case studies illustrate the importance of robust safety measures, thorough investigations, and continuous improvements in managing and recovering from BESS fires. They also highlight the need for industry-wide collaboration and the development of stringent safety standards to prevent future incidents.[3](#)

## AFFECTED VIGNERONS

Case Studies of affected vignerons impacted by stress of environmental and market challenges:

- **Amanda Moore, The Naked Vigneron, Sainte-Foy-Bordeaux:** Amanda and her partner experienced a devastating frost in 2017, losing 95% of their harvest. This event forced them to diversify their operations, balancing smaller quantities of organic wine production with wine tourism events. The constant threat of environmental hazards has significantly impacted their mental health and financial stability [1](#).
- **Charlotte Krajewski, Clos Cantenac and Chateau Seraphine, St Emilion and Pomerol:** Charlotte has managed to navigate the current crisis by closely monitoring overheads and adapting to changing conditions. However, the ongoing challenges, including bad weather and market shifts, have created a stressful environment for her and her team [1](#).
- **Languedoc Cooperative:** A cooperative in Languedoc faced severe frost and flooding during the 2021 campaign, highlighting the vulnerability of winegrowing systems to climatic hazards. The cooperative's members have had to cope with the mental and financial strain of these repeated environmental challenges [2](#).

## COUNCIL OBJECTION SUBMISSION

- **Alsace Winegrowers:** In the eastern French winegrowing region of Alsace, vigneronns are adapting to the impacts of climate change. The changing climate has altered the taste, smell, and color of wines, requiring vigneronns to continuously adapt their practices. This ongoing adaptation process has placed significant stress on the winegrowers, both mentally and economically [3](#).
- **Entre-deux-Mers, Bordeaux:** In the Bordeaux wine appellation of Entre-deux-Mers, many parcels of vines have been pulled up and burned due to a combination of climatic and market pressures. The character of the community has fundamentally changed, and vigneronns are struggling to find a viable balance between wine production and other activities [1](#).

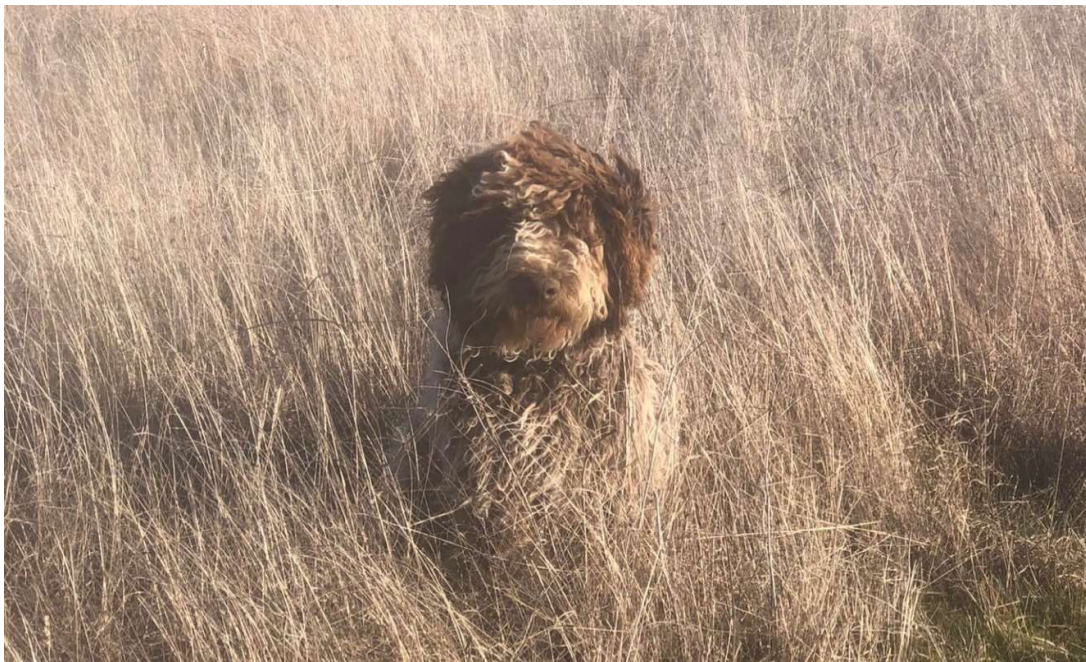


# RISK TO TRUFFLE CANINE TRAINING & PERFORMANCE

The proximity of Battery Energy Storage Systems (BESS) to properties where dogs are used for truffle detection can have several negative impacts.

## HEALTH RISKS FROM TOXIC EMISSIONS

- **Exposure to Toxic Chemicals:** BESS fires can release toxic chemicals such as hydrogen fluoride, carbon monoxide, and other harmful gases. These emissions can pose serious health risks to truffle detection dogs, which have highly sensitive olfactory systems [1](#).
- **Respiratory Issues:** Prolonged exposure to smoke and toxic fumes can cause respiratory problems in dogs, affecting their ability to detect truffles and potentially leading to long-term health issues [1](#).



## BEHAVIOURAL AND TRAINING DISRUPTIONS

- **Stress and Anxiety:** The noise and vibrations from BESS operations or incidents can cause stress and anxiety in dogs. This can disrupt their training and performance, making them less effective in truffle detection [1](#).
- **Distraction from Work:** The presence of a BESS facility, especially during maintenance or emergency situations, can distract dogs from their tasks, reducing their efficiency and accuracy in locating truffles [1](#).

## ENVIRONMENTAL CONTAMINATION

- **Soil and Water Pollution:** In the event of a BESS fire, firefighting efforts can lead to soil and water contamination. This can affect the quality of the soil where truffles grow, potentially impacting the truffle harvest and the health of the dogs that work in these areas [1](#).
- **Impact on Truffle Quality:** Contaminants from BESS incidents can alter the soil composition, affecting the growth and quality of truffles. This can have economic implications for truffle producers and reduce the effectiveness of truffle detection dogs [1](#).

## SAFETY CONCERNS

- **Risk of Injury:** In the event of a BESS fire or explosion, there is a risk of physical injury to dogs working in close proximity. Ensuring the safety of these animals during such incidents can be challenging [1](#).
- **Evacuation Challenges:** Evacuating dogs quickly and safely during a BESS incident can be difficult, especially if the facility is located near truffle detection areas [1](#).

These impacts highlight the need for careful consideration of the placement of BESS facilities, particularly in areas where specialised working dogs are used. Ensuring the safety and well-being of these animals is crucial for maintaining their effectiveness and the overall success of truffle detection operations.



# CONCLUSION

Council urges the Regional Planning Panel to consider the substantive objections and the significant negative impacts the proposed BESS would have on the Canberra Region Wine District flagship Murrumbateman Wine Precinct and the Murrumbateman community.

**Yass Valley Council supports a panel determination to refuse the application.**

## Recommended Refusal Motion

*To preserve the integrity and sustainability of Murrumbateman, Yass Valley's winery-tourism precinct within Murrumbateman and its critical role within the Canberra District Wine Region, the Regional Planning Panel refuses the application DA240159 Distribution Battery Energy Storage, 3 Turton Place, Murrumbateman.*

Compelling reasons for refusal include:

- **Mental Health of Community:** The unacceptable stress and anxiety caused by potential ongoing risks.
- **BESS Fire Risk and Management:** Inadequate mitigation measures for fire risks.
- **Impact on Grape Growing Operations:** Risks such as fire and smoke taint to nearby grape growing operations that can cause complete harvest loss.
- **NSW SEPP:** Failure of assessment to meet state planning instruments clauses such as Clause 2.55 on community impact weighting, or address impacts on the national and regionally significant established wine-tourism economy.
- **Conflict with LEP and key planning instruments:** Conflict with the Local Environmental Plan (LEP) and incompatibility with the Yass Valley Development Control Plan (DCP).
- **Lack of Genuine Community Engagement:** Insufficient consultation and meaningful engagement with the community as per the SEPP *Noise Policy for Industry*. Refusal of the applicant to listen to Council and the community on relocating the site of the BESS within the block of land away from the boundary.



## COUNCIL OBJECTION SUBMISSION

- **Reflective Material Impacts:** Community submissions identified issues with the reflective materials used in the BESS. Refusal of the applicant to specifically address Council and community's concerns about this within the 12 months planning process.
- **Visual and Acoustic Impact:** The proposal presents unacceptable negative visual and noise impacts on the area, as detailed in submissions. The applicant has not provided any acoustic mapping to demonstrate the burden of noise generated across the site and surrounding neighbourhood. Furthermore, the audio modelling inputs have been reduced without validation, as there is no commitment to using lower-decibel equipment to justify the reductions.
- **Conflict with Future Homes:** Incompatibility with future residential developments.
- **Industrialisation of Agri-Tourism Areas:** Contradiction with regional and local strategic documents noting that Turton Place sits directly within the centre of the Murrumbateman Wine Precinct and on the Winery Trail.
- **End of Life Decommissioning Concerns:** There are unclear plans about the decommissioning the BESS at the end of its life cycle.
- **Incompatibilities specific to 3 Turton Place:** Assessment Report is inconsistent in its use of its application of the DCP, particularly with reference to setbacks controls.



## CONSIDERATIONS REQUIRED

Should the Regional Planning Panel reject Yass Valley Council's substantive objection submission, it would be prudent to consider the following.

**Reject the application and invite resubmission, and/or impose the following conditions:**

- Introduce appropriate fire mitigation strategies to reduce the risk of smoke taint, toxic chemical release, hazard management and pollution mitigation.
- Site the BESS further within the applicant's land to fairly mitigate the impact on neighbouring agri-tourism activities.
- Conduct community engagement as prescribed under the NSW SEPP *Noise Policy for Industry* and reflect in future applications.
- Use non-reflective materials and a colour palette that is in keeping with the surrounding native and pastoral landscape tones.
- Restore the sound wall surrounding the structure (to that which was in the original plan) to all sides of the development.
- Introduce sustainable landscaping that includes mature tree screen planting and a watering regime of the native plants endemic to the area, as determined by Yass Valley Council.

### PREPARED AND PRESENTED BY YASS VALLEY COUNCIL REPRESENTATIVES

Jasmin Jones, Mayor Yass Valley

Gayleen Burley, Chief Executive Officer, Yass Valley Council

26 July 2025

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