



Planning
Panels



Hearing Presentation

29 July 2025

**Electricity Generating Works - 5 MW
Distribution Battery Energy Storage
System (BESS)**

3 Turton Place, Murrumbateman

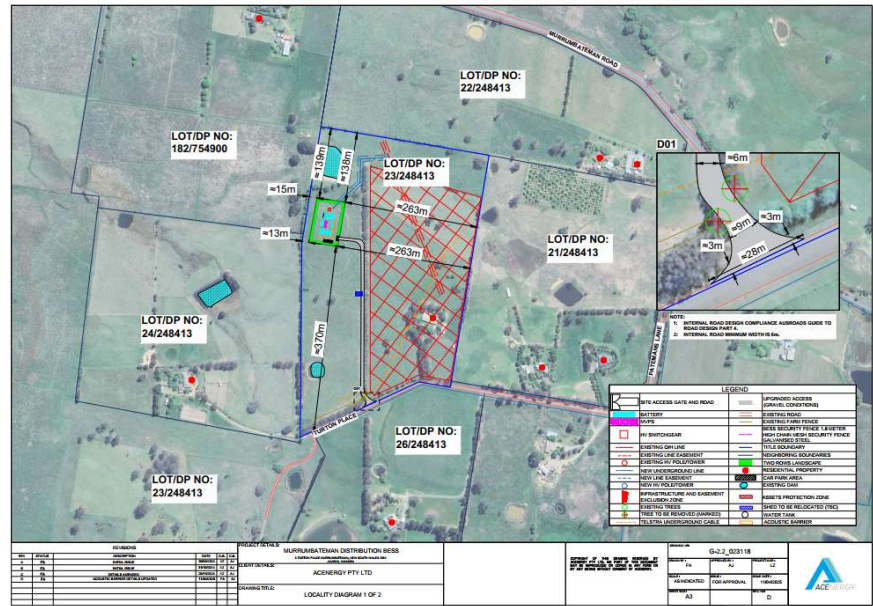
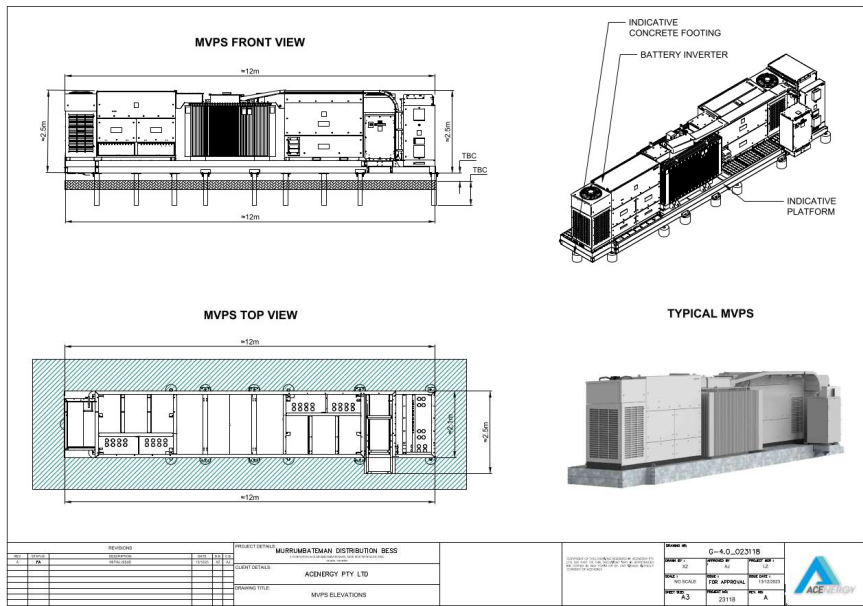
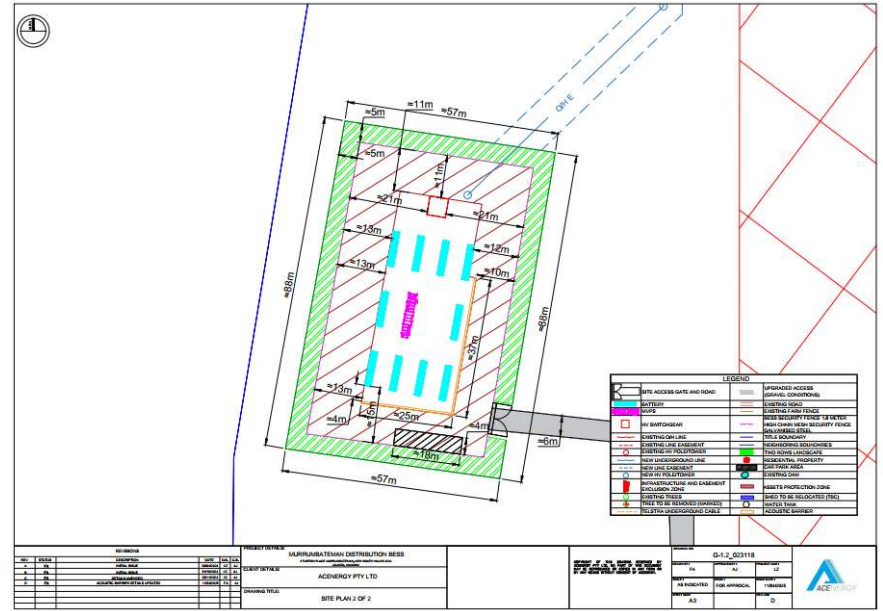
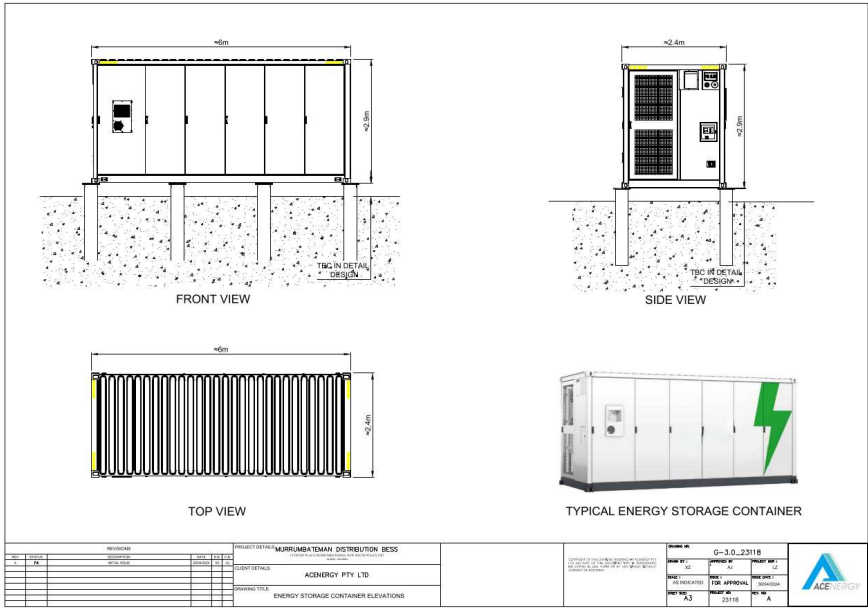
Application Details

Landowner	Mr J Ghirardello & Ms B Collins
Applicant	ACEnergy
Development Site	Lot 23 DP 248413, 3 Turton Place, Murrumbateman
Proposal	Electricity Generating Works - 5 MW distribution battery energy storage system (DBESS)
Application Type	Local Development
Development Type	Regionally Significant
Estimated Development Cost	\$5,411,265 (excluding GST)
Panel Briefing	January 2025 (including site inspection)

Proposal Details

- **Installation of 5 MW distribution battery energy storage system (DBESS), including** including 10 battery containers, occupying approximately 0.5ha of the site towards the northwest corner. Construction of an **acoustic barrier** (3m high) and **security fencing**.
- **Inverter or Medium Voltage Power Station**
- **Landscaping** around the perimeter of the development.
- **Electrical sub transmission lines.**
- New/upgraded **vehicular access** from Turton Place and internal access road.
- **Tree removal** - two (2) native trees
- Associated **earthworks**

Plans

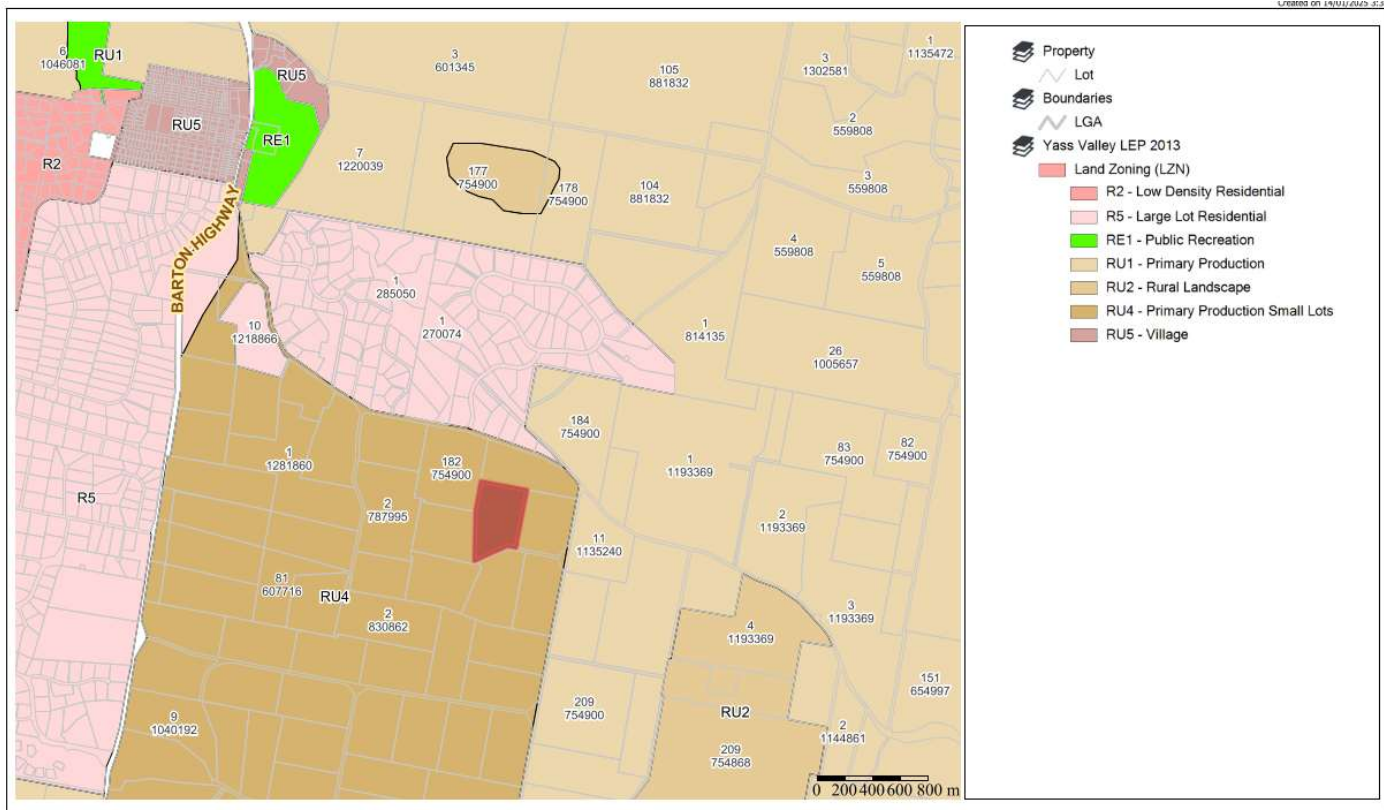


Locality Plan

Murrumbateman
Village



Zoning and Permissibility



Yass Valley LEP 2013

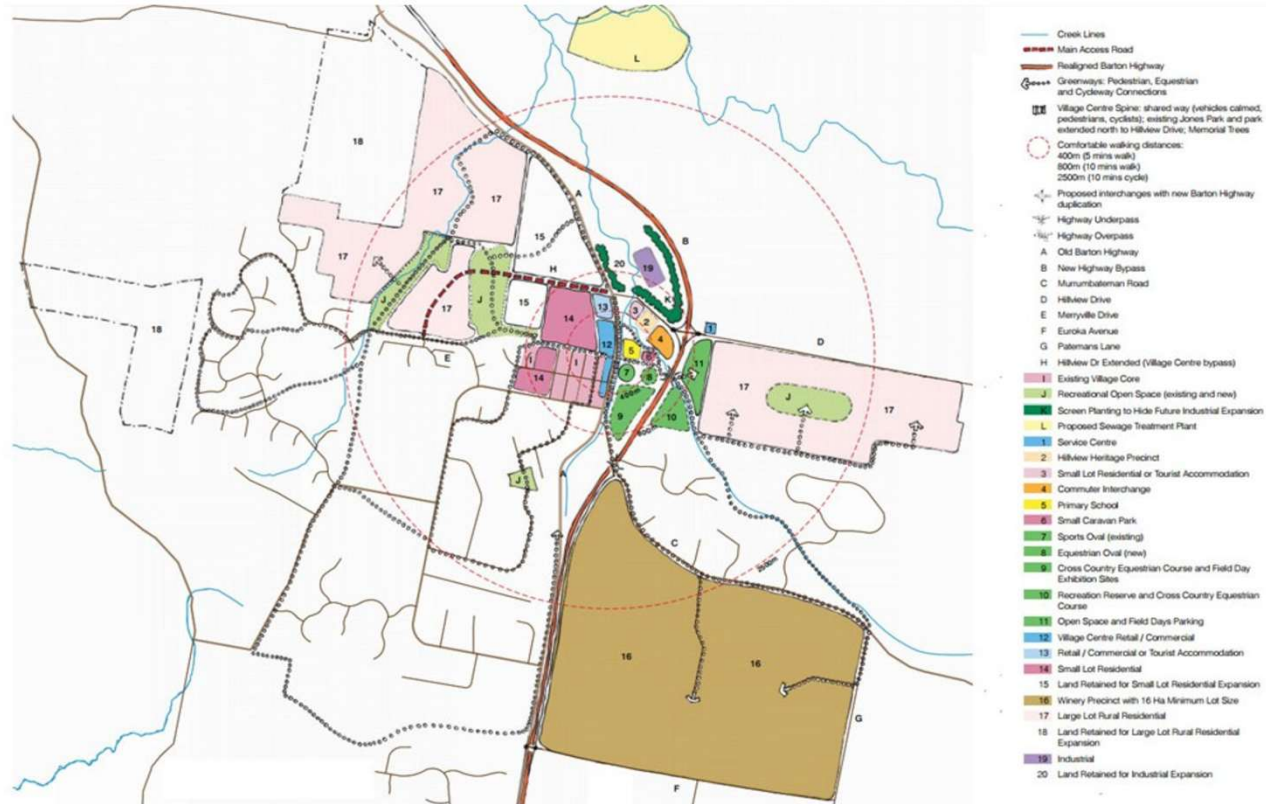
- Land zoned RU4 Primary Production Small Lots under LEP
- 'Electricity generating works' prohibited in zone.

State Environmental Planning Policy (Transport and Infrastructure) 2021

- 'Electricity generating works' permitted with consent in RU4 Primary Production Small Lots.
- SEPP prevails over LEP.
- Development therefore permissible.

Yass Valley Settlement Strategy – Murrumbateman Structure Plan

Figure 4: Murrumbateman Master Plan 2031



Community Consultation

Public exhibition occurred on three occasions during the assessment as follow:

Public Exhibition	Dates	# of Sub.
Initial public exhibition period	2 July 2024 to 21 July 2024	37
Additional information 1 public exhibition period	12 December 2024 to 20 January 2025	6
Additional information 2 public exhibition period	2 May 2025 to 16 May 2025	5

It is understood the proponent held community engagement sessions following the original public exhibition period, however this is outside of the assessment.

Referrals

External

- **NSW Rural Fire Service (RFS)** – Minor amendments to asset protection zone requested and addressed.
- **Essential Energy** – No issues identified.

Note: Advice was provided to the Applicant by Department of Climate Change, Energy, the Environment and Water that the underground cabling proposed did not require Controlled Activity Approval under *Water Management Act 2000*.

Internal

- **Strategic Planning** – No issues identified.
- **Environmental Health** – **Issues identified** – **resolved** through draft recommended deferred commencement and conditions.
- **Development Engineering** – No issues identified.
- **Building Certification** – No issues identified.
- **Tourism & Economic Development** – **Issues for consideration** – **resolved** through draft recommended deferred commencement and conditions.

Peer Review – Noise

- Dr Rob Bullen of Bullen Consulting – **issues addressed**.

Key Assessment Issues

BESS fire risk and management – the risk of fire originating from the BESS, as well as fire incident management including for firefighting water.

Bush fire – the compatibility of the proposal with the bush fire risk of the land and the risk of the BESS starting a bush fire.

Smoke – as a result of a significant fire incident which was not able to be suppressed, including the impacts on health and adjoining land uses, particularly smoke taint to grapes.

Noise – impact on sensitive receivers (dwellings), as well as other uses of the adjoining land, and as assessment methodology and mitigation measures.

Visual impact – from the public domain and nearby properties, particularly in context of rural character of agritourism area.

Key Assessment Issues

Acoustic barrier (including extent and size) – concerns about the construction, required extent, effectiveness, and additional visual impacts.

Supporting level of detail/information – particularly in relation to colours, finishes, materials, and the acoustic barrier.

Soil and groundwater contamination – potential for soil and groundwater contamination as a result of major fire incident and noting only desktop assessment has been completed for soil type and groundwater level.

Potential conflict with other future nearby development – potential conflict with future nearby development, including vacant lot and lots with existing development.

End-of-life and decommissioning – requirements for end-of-life and decommissioning.

Economic impact on agritourism uses – as a result of other key issues.

Key Issues for Suggested Panel Attention

1. **Impacts to vineyards (including smoke taint)** – i.e. with consideration of likelihood of significant fire vs. the potential impacts/risks that presents to vineyards.
2. **Visual impacts** – whether mitigation measures sufficient address (including landscaping and colours and finishes) and consideration of residue impacts.
3. **Soil and groundwater contamination** – recommended deferred commencement to ensure for soil bore to ensure the soil profile is as anticipated (i.e. thick clay layer and depth of groundwater)
4. **Noise impacts and acoustic barrier**
 - Proposal complies with NPfl requirements for residential and commercial receivers. However, there is some impact.
 - Consideration of impact beyond just the dwellings – i.e. impact on enjoyment of broader of property.
 - Acoustic barrier extent.

Key Issues for Suggested Panel Attention

5. **Objectives of the RU4 Primary Production Small Lots Zone** – some inconsistencies with zone objectives. Proposal does not need to meet all zone objectives, however, need to ‘have regard’ to zone objectives.
6. **Yass Valley Settlement Strategy 2031/Murrumbateman Structure Plan 2031** (‘winery precinct’) – consideration of weight to be given as a strategic plan for managing long term growth, rather than an environmental planning instrument that provides specific DA planning controls (which generally prevails where inconsistency exists). May inform considerations under ‘suitability of the site’, zone objectives, public interest, etc.
7. **Yass Valley Development Control Plan (DCP) 2024** – issues associated with applicability of controls under DCP for a standalone BESS proposal.
8. **Public interest broadly** – multi-faceted.

Recommendation

- **Not the preferred site** – however, the development application assessment must consider and determine submitted proposal for this particular site.
- It is considered that these **key issues have or can be resolved** satisfactorily through amendments to the proposal and/or in the recommended draft conditions:
- Proposal has **satisfied the key planning controls** – i.e. Permissible under the NSW SEPP (which prevails over the LEP), NSW Noise Policy for Industry, Planning for Bushfire Protection 2019, etc.
- **Deferred Commencement Development Consent** recommended. Deferred commencement matters:
 - Colours, finishes and materials
 - Need for a soil bore profile to confirm expected thick clay layer and groundwater depth
- **Draft recommended conditions** of consent prepared by assessment staff and reviewed by Applicant – some contentions.

Thank You

- **Panel** for their attention to the application
- The **community** for their time and effort in making submissions and representations
- The Yass Valley **Councillors** for their submission and representations