

COUNCIL ADDENDUM REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-461 Development Application DA240159
PROPOSAL	Electricity Generating Works (5 MW distribution battery energy storage system (BESS))
ADDRESS	Lot 23 DP 248413, 3 Turton Place, Murrumbateman
APPLICANT	ACEnergy
OWNER	Mr J Ghirardello & Ms B Collins
DA LODGEMENT DATE	6 June 2024
APPLICATION TYPE	Development Application Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>
EDC	\$5,411,265 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil.
KEY SEPP/LEP	State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Yass Valley Local Environmental Plan 2013
TOTAL & SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	Initial Public Exhibition – 37 Submissions Additional Information #1 Public Exhibition – 6 Submissions Additional Information #2 Public Exhibition – 5 Submissions
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> Attachment A: Draft Conditions (Deferred Commencement) Attachment B: All Plans Attachment C: All Supporting Documents Attachment D: Agency and Referral Responses Attachment E: DCP Assessment Attachment F: All Submissions Attachment G: Submissions by Issue and Council Repose Table Attachment H: Applicant Response to Submissions Attachment I: Peer Review of Acoustic Report

	<ul style="list-style-type: none">Attachment J: Acoustic Barrier Revision Comparison Site PlanAttachment K: Applicant Response and Additional Information to Panel Deferral			
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A			
RECOMMENDATION	Deferred Commencement Development Consent			
DRAFT CONDITIONS TO APPLICANT	Yes			
PRIOR SRPP MEETING DATE	29 July 2025			
PLAN VERSION	Plan Title	Plan No.	Revision No.	Date of Plan
	Site Plan 1 of 2	G-1.1_023118	D	11.4.2025
	Site Plan 1 of 2	G-1.2_023118		
	Locality Diagram 1 of 2	G-2.1_023118		
	Locality Diagram 2 of 2	G-2.2_023118		
	Energy Storage Container Elevations*	G-3.0_23118	B	31.10.2024
	MVPS Elevations*	G-4.0_23118		
	Acoustic Barrier General Details (Section And Elevations)*	G-5.0_023118	A	11.4.2025
	Security Fence and Landscape Elevations	G-6.0_023118	B	20.11.2024
	Landscape Plan – Overview/Context Plan	01	C	15.4.2024
	Landscape Screening Plan	02	D	
	Landscape Screening Plan	03	D	
	Landscape Specification Notes	04	B	
PREPARED BY	Jeremy Knox - Development Planner BURP (Hons), MEBM (Dist), GradCertEnvSc			

DATE OF ASSESSMENT REPORT	14 July 2025
DATE OF ADDENDUM REPORT	5 November 2025

1. Background

Development Application DA240159 (PPSSTH-461) for a 5MW battery energy storage system (BESS) was presented to the Southern Regional Planning Panel (SRPP) on 29 July 2025. The SRPP deferred determination of the application as outlined in its record of deferral dated 13 August 2025. The reasons for deferral were to allow the provision and consideration of additional information.

This addendum report outlines and assesses the additional information submitted by the applicant and is intended to assist the SRPP in the further consideration of the matters outlined in the record of deferral. The addendum report should be read in conjunction Council's Assessment report dated 14 July 2025 as presented to the SRPP on 29 July 2025.

2. SRPP Consideration and Deferral

The SRPP formally deferred determination of the application as outlined in its record of deferral of 13 August 2025. The relevant extract is as provided below.

The Panel agreed to defer the determination of the matter to allow for the provision and consideration of the following information:

1. Clarification of the statutory reference in the submission from the elected Council to the Panel (dated 26 July 2025). Specifically, detail regarding the reference in the submission to CI 2.55 "Matters for consideration – Electricity Generating Works" in "the SEPP" (or any similar clause).
2. A locality map showing the sites referenced by speakers during the Public Determination Meeting and in written submissions. The map should identify:
 - a. the location of the key wineries
 - b. the location of sensitive receivers
 - c. the proximity of wineries and sensitive receivers to the proposed BESS using accurately scaled distances
 - d. notated locations of where the photos submitted in support of the visual impact assessment were taken from
 - e. the view corridors from sensitive receivers to the proposed development site
3. An explanation of the broader public benefit of the BESS, including:
 - a. details of the level of firming to be provided by the proposed BESS
 - b. detail in relation to regional, State and National firming requirements/objectives
 - c. clarification of benefits flowing to the local community as a result of the proposed BESS
4. Detail regarding the methodology used for the site selection process.

The decision to defer the matter was unanimous.

3. Actions

3.1. Clarification on Statutory References in Submission from Elected Council

The submission from elected Council dated 26 July 2025 suggested that the assessment had erred in that it had not adequately considered clause 2.55 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The clause outlined in the submission is included in figure 1 below.

Figure 1 – Clause included in submission by elected council

<p>Clause 2.55 – Matters for consideration—Electricity Generating Works</p> <p><i>Before determining a development application to carry out development for the purposes of electricity generating works, a consent authority must consider the following—</i></p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) the potential for land use conflict in the vicinity of the development,</p> <p>(c) the impact of the development on the scenic quality of the locality, including its visual impact,</p> <p>(d) the impact of the development on significant environmental, cultural, heritage and landscape features of the land,</p> <p>(e) the suitability of the development in view of the future use and development of land in the vicinity of the development,</p> <p>(f) the cumulative impact of the development with other existing or approved developments,</p> <p>(g) the measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(h) the justification for the development,</p> <p>(i) the public interest.</p>
--

A broad review of SEPP (Transport and Infrastructure) 2021 has found that the clause presented in Figure 1 does not exist, either in the current or historical versions. [Clause 2.55](#) is currently an unrelated definition of flood mitigation work. A broad review of the repealed *State Environmental Planning Policy (Infrastructure) 2007* has also been undertaken and a clause of this nature as presented was not identified. It is noted that the applicant's additional information response has also reached the same conclusion. In this regard, it is believed that the clause contained in the elected Council submission is an error.

It is noted that the matters listed in the clause in Figure 1 have however been considered as part of the assessment as outlined in **Table 1**.

Table 1 – Clause Matter of Consideration

Matter of Consideration	Example Location in Assessment Report
(a) the existing uses and approved uses of land in the vicinity of the development	<ul style="list-style-type: none"> • Page 20, Settlement Strategy • Page 30, LEP zone objectives • Page 42, impacts - context and setting
(b) the potential for land use conflict in the vicinity of the development	<ul style="list-style-type: none"> • Page 20, Settlement Strategy • Page 30, LEP zone objectives. • Page 42, impacts - context and setting • Page 48, suitability of the site • Page 70, potential conflict with other future nearby development (i.e. Development rights)
(c) the impact of the development on the scenic	<ul style="list-style-type: none"> • Page 43 & 66, visual impact

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	<ul style="list-style-type: none"> • Page 42, Likely Impacts of the Development
(e) the suitability of the development in view of the future use and development of land in the vicinity of the development	<ul style="list-style-type: none"> • Page 20, Settlement Strategy • Page 30, LEP zone objectives. • Page 42, impacts - context and setting • Page 48, suitability of the site • Page 70, potential conflict with other future nearby development (i.e. Development rights)
(f) the cumulative impact of the development with other existing or approved developments	<ul style="list-style-type: none"> • Page 48, cumulative impacts
(g) the measures proposed to avoid, minimise or mitigate the impacts of the development	<p>Throughout the assessment report as relevant to the particular impact. Examples include:</p> <ul style="list-style-type: none"> • Page 43 & 66, visual impact • Page 45 & 64, noise and vibration • Page 48, construction impacts • Page 61, BESS fire risk and management • Page 44 & 69, soil and groundwater

The elected Council submission has been reviewed in further detail and there have been other statutory anomalies identified which should be noted:

- Reference to clause 2.48 of the SEPP which is for 'determination of development applications for solar or wind electricity generating works on certain land'. This clause does not apply to the proposed development as a standalone BESS.
- Incorrect reference to clause 6.8 of the LEP as 'scenic protection'. [Clause 6.8](#) of the LEP is 'essential services' and the LEP does not have a 'scenic protection' clause.
- Incorrect reference to clause 6.9 of the LEP as 'protection of agricultural land'. [Clause 6.9](#) of the LEP is 'development within a designated buffer area' (i.e. water and wastewater treatment plants and waste transfer stations). The LEP does not have a specific 'protection of agricultural land' clause.

3.2. Locality Map

The deferral required a locality map to be presented which included the site referenced by speakers during the Public Determination Meeting and in the written submissions.

The map was to identify:

- The location of the key wineries*

- b. The location of sensitive receivers*
- c. The proximity of wineries to the proposed BESS using accurately scaled distances*
- d. Notated locations of where the photos submitted in support of the visual impact assessment were taken from.*
- e. The view corridors from sensitive receivers to the proposed development site*

Location of Sensitive Receivers and Wineries

The applicant has presented a locality map which shows the location of wineries, sensitive receivers, and the proximities to the wineries. This has been reviewed and is accurate, except for Dionysus Winery (W1) which could be considered as somewhat misrepresented. Dionysus Winery (W1) is located on Lot 2 DP 248413, 1 Patemans Lane. The cellar door building is located approximately 600m away from the BESS site as shown by the applicant, but it is noted that the actual established vineyard is located approximately 370m away and the property boundary which immediately adjoins 3 Turton Place to the northern boundary is approximately 138m away. It is noted that the topography of the land generally rises between the location of the BESS and the location of the cellar door building.

The location of all key wineries and sensitive receivers were understood by the assessing officer in the assessment completed and previously presented to the SRPP.

Visual Impact Assessment and View Corridors

The photos submitted as part of the visual impact assessment have been notated as requested.

The applicant has prepared a series of maps which detail visibility of the BESS from sensitive receivers (i.e. the location of dwelling houses) within 1km. It is understood that this has been prepared using the NSW point cloud data set, which are point clouds captured from LiDAR (Light Detection and Ranging) and derived from airborne imagery using photogrammetric techniques. The information suggests that the visibility from the sensitive receivers is limited to R03 (5 Turton Place) (>300m) and R11 (6 Turton Place) (>700m). It further suggests that all other receivers have visual sight lines obscured by existing vegetation, landform and intervening structures and therefore this significantly limits the potential for adverse visual impact.

A photograph is included for receiver R03 (considered to have the most potential for visual impact) which confirms that it is visible within the landscape at a distance. A review of the approved floor plan of the dwelling for 5 Turton Place indicates that there are bedrooms located to the northeast end which orientate towards the site of the BESS. The main lounge room is orientated towards the immediate east and the family room, kitchen and dining rooms towards the immediate west to the rear of the dwelling.

There is difficulty at an assessment level of validating the maps noting that they have been modelled based on the available data. Overall, however, the maps are generally consistent with the conclusions previously presented and do not introduce any additional issues by way of view corridors from sensitive receivers.

The recommendations presented in the assessment report in relation to suitable colours, finishes, materials, and landscaping are still considered to be relevant, particularly for minimising the visual impact and presence within the broader landscape, including from areas of the public domain.

3.3. Public Benefit

The deferral required the applicant to provide an explanation of the broader public benefit of the BESS, including:

- a. *Details of the level of firming to be provided by the proposed BESS*
- b. *Detail in relation to the regional, state and national firming requirement/objectives*
- c. *Clarification of benefits flowing to the locality community as a result of the proposed BESS.*

A summary of the applicant's response is detailed as follows:

- A 5MW BESS with a four-hour configuration (20MWh) would be capable of supplying power for approximately 7,800 average homes simultaneously for a duration of four hours or equivalent to approximately 1,307 household days of electricity consumption for each full discharge.
- Regional firming support will be provided as the BESS will assist in stabilising voltage and frequency in the region, particularly during peak demand or intermittent renewable generation.
- State objective alignment will occur as it supports NSW's target of 2GW of new storage by 2030 Electricity Infrastructure Roadmap. Its firming capacity contributes to the state's reliability standards and complements renewable energy zones (REZs) by balancing supply variability.
- National energy goals at a federal level will occur as the BESS aligns by providing fast response dispatchable energy, helping meet national reliability and decarbonisation goals. It also supports grid resilience in the face of increasing electrification and climate variability.
- It supports the *South East and Tablelands Regional Plan 2036* through 'Direction 5: Position the region as a hub for renewable energy excellence' and the associated actions.
- The BESS would contribute to the provision of firming capacity in NSW, supporting a reliable transition towards renewable generation and supporting private investment into the state's electricity system, consistent with the *NSW Electricity Infrastructure Roadmap*, the *NSW Net Zero Plan Stage 1: 2020–2030*, and the *Australian Government's Net Zero Plan*.
- The BESS, through though modest in scale at 5 MW, would contribute to addressing existing gaps in firming capacity which have been by the Australian Energy Market Operator (AEMO).
- That local benefits include:
 - Energy reliability by supporting grid stability which would benefit residents and businesses in Murrumbateman reducing the likelihood of outages, voltage fluctuations, and smoother integration of rooftop solar systems.
 - Local jobs and skills, including during construction and maintenance which will create employment opportunities and with a preference for local contractors and

suppliers. Training and upskilling initiatives may be offered in partnership with regional institutions.

- Community investment including opportunities may arise for community co-investment or benefit-sharing initiatives, such as energy bill discounts, local grants, or infrastructure upgrades funded through project revenues.
- Educational and innovation hub with the BESS having potential to serve as a platform for local schools and community groups to engage with clean energy technology, fostering awareness and pride in Murrumbateman's role in the energy transition.

The regional, state and national level of firming and alignment with objectives are consistent with the understanding in the assessment report presented. The proposed BESS does provide for these benefits, although is modest in scale. Of the NSW Government's target of 2GW (2000MW) of additional storage by 2030, the proposed BESS would represent 0.25% of this (5MW of 2000MW). The benefits at the regional, state and national level also need to be considered alongside other planning considerations (such as impacts and site suitability) as detailed in the assessment report.

The assessment report presented also detailed that there were likely limited local public benefits beyond the minor role the BESS would play in supporting grid stability. This appears to remain the case. The applicant's response demonstrates that it is tenuous in attributing local public benefits to the proposal.

There are limited local jobs and skills provided for noting the nature of the physical works required (i.e. installation of battery units assembled off-site) and the off-site control and running of the BESS. The applicant has indicated a preference for local contractors; however, this cannot be guaranteed, and it is noted that most of the consultants engaged in the project to date in preparation of development application documents are not firms that are local in the Yass Valley or immediate region.

The applicant has not proposed any benefit-sharing initiatives or a community enhancement fund as part of the proposal. The applicant reiterated in their previous responses that a community enhancement fund did not apply to the proposal under Council's DCP or policies. In this regard, there is not any commitments to the suggested benefits of energy bill discounts, local grants, or infrastructure upgrades funded through project revenue. There is also considered to be limited education and 'innovation hub' benefits, particularly noting that, as outlined in the assessment report, this is not actually a preferred site for a BESS in the Murrumbateman area.

The additional information presented does not fundamentally change the assessment presented in relation to public interest considerations. It is again noted as per the assessment report that the public benefit is at the broader perspective of national, state and regional objectives for the minor role the BESS will play in the ongoing stabilisation of the electricity grid in a transition to renewable energy (and the shift away from non-renewable sources for climate change objectives). There is however clearly limited local benefits.

In the presentation by the assessing officer at the determination meeting, it was suggested that 'public interest' broadly was a key issue for the application and that the SRPP may wish to direct their attention to this as it is a multi-faceted consideration. It is again suggested to the SRPP that this is a key consideration in weighing up the different aspects and levels of the public interest in light of the response presented by the applicant.

3.4. Site Selection Process

The deferral required the applicant to provide methodology of the site selection process. The site selection process is not a direct consideration under s4.15 of the Act and the site proposed must be assessed, however, this information may be useful to inform consideration of other matters such as ‘the suitability of the site for the development’.

In summary, the applicant has indicated that this has included:

- Preliminary site screening
 - Grid proximity and network capacity
 - Site accessibility
- Land suitability assessment
 - Zoning and land use compatibility
 - Topography and soil conditions
- Environmental impact evaluation
 - Biodiversity and habitat sensitivity
 - Natural hazards
 - Agriculture and tourism
- Cultural heritage review
 - Aboriginal heritage
 - Agriculture and tourism
- Community and amenity impact
 - Visual and acoustic impact
 - Traffic and safety
 - Health and wellbeing

It is understood that the initial part of the preliminary site screening was in relation to sites that were in proximity to existing distribution infrastructure with sufficient capacity. It is also assumed that agreeability of a host landowner would have had significant influence in the site selection process.

This additional information in relation to the site selection methodology is not considered to change the assessment presented, including in relation to the ‘the suitability of the site for the development’.

Whilst not a statutory requirement, as an observation only it appears that community engagement formed a limited part of the applicant’s site selection process. In presentation made by the applicant’s planning consultant at the determination hearing on 29 July 2025 they outlined that letters were sent to neighbouring properties on 6 May 2024. This date was several months after pre-lodgement consultation with Council staff on 1 December 2023 where engagement with the community had been raised as important in preparing this proposal. The letters were also less than four weeks before the development application was formally submitted in the NSW Planning Portal on 4 June 2024. The dates on supporting documentation lodged with the development application indicates that these were primarily already finalised prior to letters being sent on 6 May 2024.

4. Conclusion and Recommendation

This supplementary report has addressed the reasons for deferral by the Panel and the additional information that has been presented by the applicant in response.

It is reiterated that the proposed development type is prohibited under the LEP, and is only permissible by virtue of the SEPP, and that the outcome is at odds with the surrounding context.

However, Council's assessment report dated 15 July 2025 did address these matters, and recommended that the development application be approved subject to a deferred commencement. The deferred commencement matters which required further attention to ensure they are resolved included:

- Colours, finishes and acoustic construction materials are appropriate to minimise visual impact and presence in the landscape, and to ensure the acoustic wall can be constructed per recommendations of the Acoustic Report.
- A final revised landscaping plan which includes more mature plantings and not 'hiko' or 'tube' to ensure the screening vegetation establishes in a timely manner.
- A soil bore be undertaken to validate the desktop findings of the Flood and Groundwater Assessment Report to ensure it is accurate and as expected in relation to the site being underlain by thick clays and the expected depth of groundwater.

The assessment of the additional information is not considered to result in any fundamental changes to the previous assessment presented, and the recommendation remains the same.

Draft conditions remain as previously presented.