

DATE OF DETERMINATION	24 November 2025
DATE OF PANEL DECISION	21 November 2025
DATE OF PANEL BRIEFING	18 November 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Ruth Ormella, Allan McGrath
APOLOGIES	Grant Christmas was an apology for the public determination meeting and did not participate in the final deliberations
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 July 2025. The public meeting was held by videoconference on 29 July 2025. Following this, the Panel decided to defer its decision until 13 August 2025. A Council addendum assessment report was circulated electronically on 5 November 2025.

MATTER DETERMINED

PPSSTH-461– YASS – DA240159 at 3 Turton Place MURRUMBATEMAN (Lot 23 DP 248413) - Electricity Generating Works (5 MW distribution battery energy storage system (BESS)) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings, and the matters observed at the site inspection listed at item 8 in Schedule 1. The Panel has had the benefit of an inspection of the site and has been briefed by the Council.

A Public Determination meeting was held on 29 July 2025, where members of the community, stakeholders and the applicant were given the opportunity to address the Panel.

On 13 August 2025, the Panel deferred its determination of the matter to enable further information to be provided and considered. The additional information is as follows:

1. Clarification of the statutory reference in the submission from the elected Council to the Panel (dated 26 July 2025). Specifically, details 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.

On 5 November 2025, the Council uploaded an Addendum Assessment Report, which addressed the further information received from the Applicant. The Council recommendation to approve the development and the draft conditions of consent remained unchanged.

Development application

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

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REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council's Assessment Report and Addendum Assessment Report, subject to the draft recommended conditions without change.

To minimise the visual impacts of the BESS on residential properties, particularly those to the south-west of the proposal, the Panel requested that the Council, when carrying out its role in considering and approving the revised landscape plan under Deferred Commencement Condition 3, ensure the establishment and maintenance of appropriate vegetative screening. In particular, the Panel requested that Council consider the provision of dense, mature planting (noting that it will need to meet the requirements for the asset protection zone) on the south-western boundary of the site, adjacent to the proposed BESS.

The Panel was satisfied that:

- The matters raised in the Panel's deferral had been adequately addressed by both the Applicant and the Council.
- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken.
- The proposal is permissible by virtue of section 2.36 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- The prerequisites to the grant of consent had been met.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition and implementation of the conditions of development consent.
- Construction impacts can be managed through the imposition of standard construction-related requirements.
- The development is consistent with local, regional and state strategic planning and energy frameworks, as it will assist in the ongoing stabilisation of the electricity.
- Given the above, the proposed development does not raise any matter contrary to the public interest.

Cr Allan McGrath did not support the majority decision as he believed that:

- the regional benefits of the BESS did not outweigh the local disbenefits; and
- the development was therefore not in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

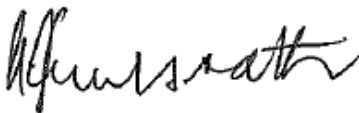
CONSIDERATION OF COMMUNITY VIEWS

In reaching its decision, the Panel considered written submissions made during the public exhibition and heard from all those who wished to address the Panel at the Public Determination meeting. The Panel notes that issues of concern included:

- Noise
- Fire (BESS)
- Bush fire
- Context and setting
- Economic Impact (including tourism)

- Site suitability (or alternate sites)
- Community consultation
- Toxicity
- Zoning (including objectives and permissibility)
- Land use conflict
- Smoke (from BESS fire)
- Visual Impact
- Human Health (impact)
- Amenity
- Supporting documentation
- Insurance
- Surface water
- Value – property
- Acoustic barrier
- Groundwater
- Animal health (Impact)
- Firefighting water
- Landscaping
- Development control plan
- Explosion
- Vibration
- Strategic Planning
- Soil contamination

The Panel considers that concerns raised by the community have been adequately addressed in the Council's Assessment and Addendum Assessment Reports and the conditions of consent as imposed.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Ruth Ormella	 Allan McGrath

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-461 – YASS VALLEY - DA240159
2	PROPOSED DEVELOPMENT	Electricity Generating Works (5 MW distribution battery energy storage system (BESS))
3	STREET ADDRESS	3 Turton Place, Murrumbateman (Lot 23 DP 248413)
4	APPLICANT/OWNER	ACEnergy / Mr J Ghirardello & Ms B Collins
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ Yass Local Environmental Plan 2013 • Development control plans: ○ Yass Valley Development Control Plan 2024 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 14 July 2025 • Council Objection Submissions BESS v1: 28 July 2025 • Addendum Council assessment report: 5 November 2025 • Written submissions during public exhibition: 48 • Verbal submissions at the public meeting: ○ Susan Lewis, John Runko, Trudi Brooker, Ineke Redmond, Stephanie McCall, Pauline Runko, Stephanie Helm ○ Councillor Representations at the public meeting: Mayor Jasmin Jones, Cr David Carter ○ Council assessment officer: Jeremy Knox (Development Planner) ○ On behalf of the applicant: Hugh Shackcloth-Bertinetti (Premise) • Total number of unique submissions received by way of objection: 47
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	○ Site Visit 21 January 2025 ○ <u>Panel members</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, Ruth Ormella, Allan McGrath ○ <u>Council assessment staff</u>: Jeremy Knox, Kate Baker ○ Briefing: 22 January 2025 ○ <u>Panel members</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, Ruth Ormella, Allan McGrath ○ <u>Council assessment staff</u>: Jeremy Knox, Kate Baker, Emily Dawe ○ <u>Applicant representatives</u>: Ahmed Adel (Senior Project Development Engineer, ACEnergy), Danny Wilkinson (ACEnergy), Henry King Sicad (ACEnergy), Hamish Doncaster (ACEnergy), Daniel Balkin (Premise), Hugh Shackcloth-Bertinetti (Premise) ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange

		○ Final determination briefing: 29 July 2025 ○ <u>Panel members</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, Ruth Ormella, Allan McGrath ○ <u>Council assessment staff</u>: Jeremy Knox, Kate Baker ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett, Nikita Lange ● Final briefing to discuss council's recommendation: 18 November 2025 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Ruth Ormella, Allan McGrath ○ <u>Council assessment staff</u>: Kate Baker, Andrew Neil ○ <u>DPHI</u>: Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report