

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-498 – DA2025/18
PROPOSAL	The construction and operation of a Battery Energy Storage System (BESS) with a capacity of 17.6MW/35.2MWh to support the operation of the existing solar farm
ADDRESS	Lot 32 DP 1271693, 346 Old Sydney Road, Marinna 2663
APPLICANT	METLEN AUSTRALIA FINCO PTY LTD
OWNER	Mr Daniel Moloney
DA LODGEMENT DATE	11/04/2025
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private Infrastructure Works
EDC	\$19,031,838.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil.
KEY SEPP/LEP	Housing SEPP, Biodiversity and Conservation SEPP, LEP
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	13 Total submissions, 12 unique submissions (1 duplicate submission)
DOCUMENTS SUBMITTED FOR CONSIDERATION	[Plans, reports, Clause 4.6]
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Nil.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	9 September 2025
PLAN VERSION	General Layout - Site Plan - Mytilineos RSD Technical & Procurement DPT - 02/06/2023 General Layout - BESS Configuration Mytilineos RSD Technical & Procurement DPT - 20/02/2023
PREPARED BY	Rohan Johnston – JSC Town Planner
DATE OF REPORT	5 August 2025

EXECUTIVE SUMMARY

The development application DA2025.18 seeks consent for the installation of a Battery Energy Storage System (BESS) ancillary to an existing solar farm. This development is defined as *electricity generating works* by the Junee Local Environmental Plan 2012. The BESS includes 12 battery modules and 3 substations, as well as ancillary infrastructure connections. The total storage capacity of the BESS is proposed to be 35.2MWh, and an output capacity of 17.6MW.

The subject site is known as 364 Old Sydney Road, Marinna and is comprised of three lots containing an existing solar farm, with an overall site area of approximately 463ha. The existing solar farm occupies approximately 98ha of the site. The proposed development portion of the site has an approximate area of 2000sqm. There is a singular secure vehicle access point to the site via Old Sydney Road.

Existing development on the site includes a solar farm and ancillary infrastructure including a large substation and transmission infrastructure. The site is located within a rural, primary production setting, typified by grazing and broadacre cropping activities, including large farm structures, isolated dwellings, and other improvements.

The site is zoned RU1 Primary Production pursuant to Clause 2.2 of the Junee Local Environmental Plan 2012 (LEP). While *electricity generating works* are an innominate prohibited use under the Land Use Table for the RU1 zone, the development is considered to be permissible as ancillary development to the existing solar farm, or under the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

There were no concurrence requirements from agencies for the proposal, and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Essential Energy pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') was sent and raised no objections, subject to recommended conditions of consent. Fire & Rescue NSW were contacted to provide a letter of advice, in which a number of conditions of consent were recommended.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the Transport and Infrastructure SEPP for consideration of whether the land is contaminated.

The application was placed on public exhibition from 17 April 2025 – 15 May 2025, with twelve (12) unique submissions being received. These submissions which raised issues relating to fire risk, land contamination, land use conflict, noise, decommissioning, visual impact and moral objection to solar development. These issues are considered further in this report. It is noted that 2 of the 12 submissions received are from the Junee LGA, with no immediate neighbours or residents objecting to the proposal.

The key issue for the site is considered to be the potentially hazardous nature of the development and the risk posed by the development in terms of fire or explosion. It is considered that the provided Preliminary Hazards Analysis and Bushfire Assessment Report have adequately demonstrated that this risk has been minimised and mitigated. It is considered that this key issue has been adequately addressed.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA2025.18 is recommended for approval subject to the draft conditions of consent provided at Attachment A of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is located approximately directly 7km to the north of the town of Junee, within the existing Solar Farm development that is located on 3 existing lots in this location, with a total site area of 463ha. The existing Solar Farm development has a total site area of approximately 98Ha, of which the proposed development will take up approximately 2000sqm (55m x 35m) of the existing area of the site.

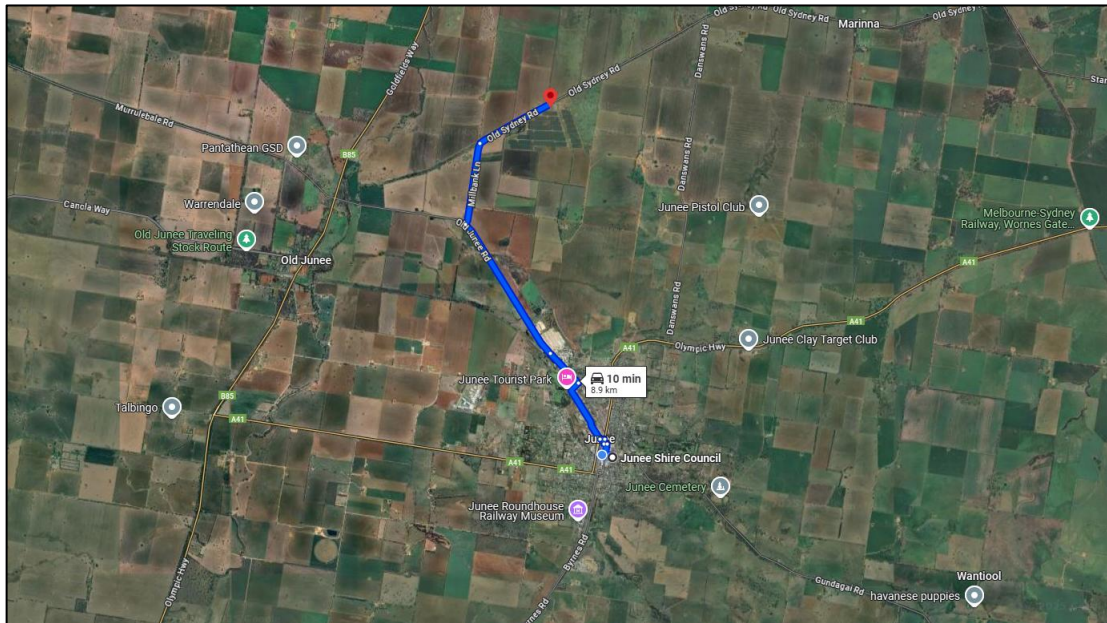


Figure 1: Location Map - Distance from Junee Shire Council office shown.

The specific area where the proposed development is to be located is on the northern portion of the site, adjacent to the existing electrical substation and existing solar panel infrastructure is located. This location is also adjacent to Old Sydney Road and is located behind the existing vegetation buffer to this road.

The site has been generally cleared of significant vegetation, through historical practices associated with agricultural activity. Some remnant vegetation and roadside vegetation is present in this area, although the proposed development has been located to avoid impact to this existing vegetation.

Existing high voltage transmission lines (66kV, 132kV) and associated infrastructure traverse the site, which are connected to the site via the existing substation.



Figure 2: Aerial Image - 28/04/25 - JSC Drone Imagery including Development Site

1.2 The Locality

The surrounding locality of the site is typified by the existing solar farm development and ancillary infrastructure including an electrical substation, as well as a general rural landscape consisting of broadacre cropping and grazing agriculture activities and other agricultural improvements. The nearest non associated dwelling is located approximately 1.9km to the east of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development involves the installation and operation of a Battery Energy Storage System (BESS) to augment the existing operation of a Solar Farm at 346 Old Sydney Road, Marinna. The BESS will be comprised of 12 Battery Containers with a total storage capacity of 35.2MWh, and an output capacity of 17.6MW. The BESS will primarily store excess energy generated from the Solar Farm and released to the network during periods of peak demand.

Each Battery Container is fully self-contained unit in a 20-foot shipping container base unit, with battery management and monitoring systems, automatic fire suppression systems and blast panels located on each unit roof. Each unit has dimensions of 6.7m (L), 2.9m (H), 2.4m (W), and weighs approximately 30.5t. The battery chemistry of each unit is proposed to be Lithium Iron Phosphate (LFP), which is considered to be a generally thermally and chemically stable chemistry that has lower probability of failure than other lithium-ion derived chemistry batteries, as well as better aging and cycle-life characteristics. Each unit will be installed on, and fixed to, suitably engineered concrete slabs, with a minimum separation distance of 3m between each Battery Container and adjacent roadway.



Figure 3: Intersium® Max 20 High Energy – Visual Cutaway (Source: Saft Information Sheet May 2022)

In addition to the proposed Battery Containers, three BESS specific substations will be installed to facilitate energy transfer to the main substation adjacent to the site. The figure below shows the general layout of the proposed BESS and substations.

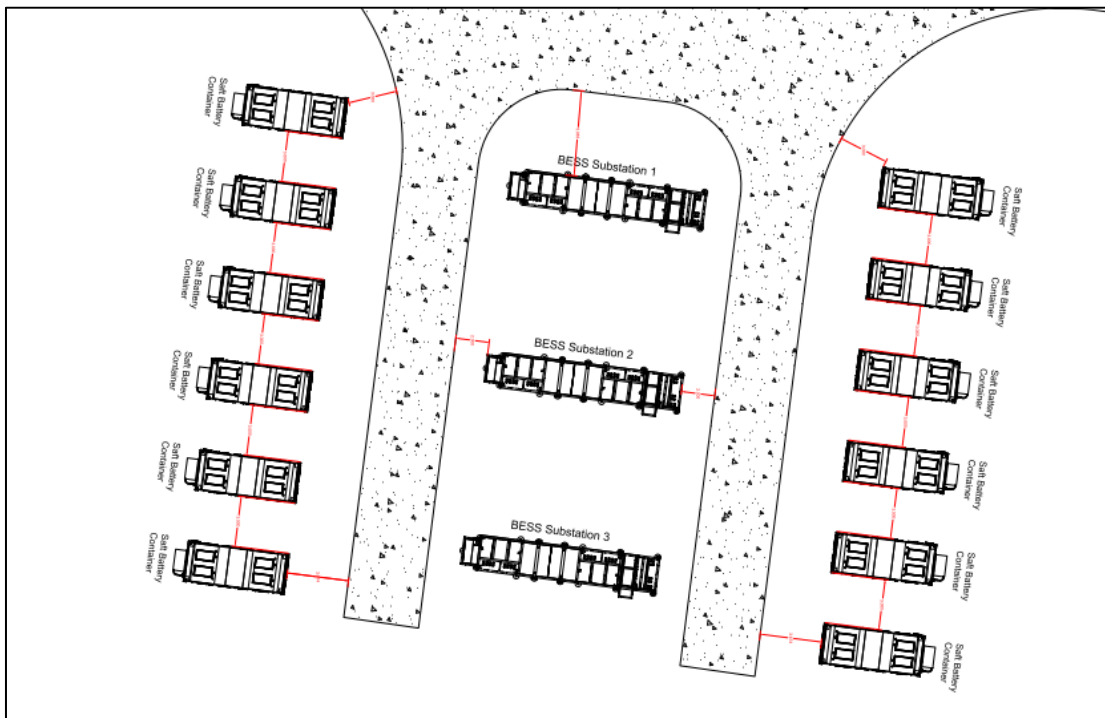


Figure 4: Development Layout – BESS Configuration Plan

No significant vegetation removal is proposed or required to facilitate the proposed development.

There are no principal development standards that are applicable to this development on this site.

Table 1: Development Data

Control	Proposal
Site area	Approximately 2000sqm
GFA	N/A
FSR (retail/residential)	N/A
Clause 4.6 Requests	No 4.6 Variation Requested or Required

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 31 August 2023 where various issues were discussed. A summary of the key issue and how they have been addressed by the proposal is outlined below:

- **Bushfire and Fire Safety – Provision of Bushfire Risk Assessment and Preliminary Hazard Assessment**

The development application was lodged on **11 April 2025**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
11 April 2025	DA lodged
17 April 2025 – 15 May 2025	Exhibition of the application
28 May 2025	DA referred to external agencies: Essential Energy - SEPP (Transport and Infrastructure) 2021, s2.48 – Referral Received 30/05/2025
21 May 2025	NSW Fire and Rescue – Request for Written Report
10 June 2025	Request for Information from Council to applicant
9 July 2025	Panel Site Inspection
22 July 2025	Minor changes to SEE and Plans submitted by applicant, accepted by Council under Cl 38(1) of the Environmental Planning and Assessment Regulation 2021 ('2021 EP&A Regulation') on 22 July 2025.
27 August 2025	Planning Panel Determination Meeting

2.3 Site History

The site has been the subject of a number of approvals and modification applications related to the use of the site as a Solar Farm. The site DA history is as follows:

- DA2018/11.1 - Construction and operation of a 26MW solar farm
- DA2018/11.2 – Amendment to 30MW capacity and future BESS

- DA2018/11.3 – Amendment to permitted hours of construction
- DA2018/11.4 – Modification to landscaping screening requirements
- DA2019/01 – Subdivision of Subject Land – Creation of Lot for Substation

The current DA seeks to expand on these previous approvals, including DA2018/11.2 which approved a future BESS use on this site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),**that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be:

- *Regionally Significant Development under SEPP (Planning Systems) 2021*
 - *Being Private Infrastructure over \$5 million*
 - *Electricity Generating Works*

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Junee Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <i>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises private electricity generating works that have an estimated development cost of more than \$5 million.</i>	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <i>Section 4.6 requires consideration of the contamination status of the subject land prior to the carrying out of any development. It is considered that the site is not contaminated based on the known land use history of the site.</i>	Y
SEPP (Transport & Infrastructure)	Chapter 2: Infrastructure <i>Section 2.36 provides that electricity generating works may be carried out with consent by any person on land in a prescribed non-residential zone. The proposed BESS is considered to be permissible with consent under these provisions.</i>	Y
Junee LEP	Clause 2.3 – Permissibility and zone objectives <i>The proposal is prohibited in the RU1 Primary Production zone but is generally consistent with the objectives of the RU1 zone.</i>	Y
DCP	<i>No specific controls relating to Battery Energy Storage Systems, generally compliant with the DCP.</i>	Y

Consideration of the relevant SEPPs is outlined below:

- *State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Section 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for private Electricity Generating Works with an estimated development cost of more than \$5 million. Accordingly, the Southern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

- State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

It is considered, based on the known history of the site and previous land uses approved on the site, that the site is not contaminated and is suitable in its current state for the proposed use of a Battery Energy Storage System, which is not considered to be a sensitive land use for the purpose of this Section.

- State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Section 2.36 of the SEPP permits development for the purpose of electricity generating works carried out by any person, with consent on any land in a prescribed non-residential zone. RU1 Primary Production is defined as a prescribed non-residential zone for the purpose of this section of the SEPP. The subject site is zoned RU1 Primary Production, and the proposed development relies on the permissibility granted under the SEPP, as electricity generating works are an innominate prohibited use in the Land Use Table for the RU1 zone of the Junee Local Environmental Plan 2012.

- Junee Local Environmental Plan 2012

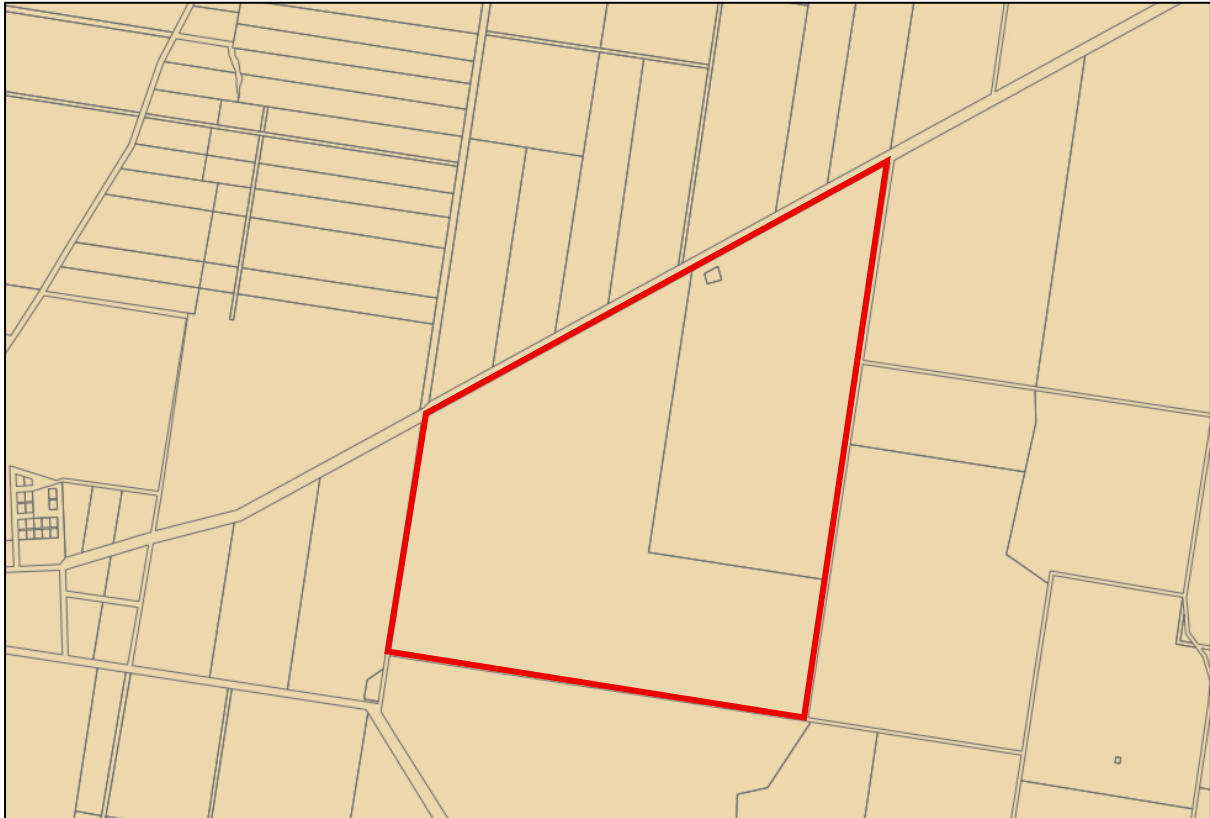
The relevant local environmental plan applying to the site is the *Junee Local Environmental Plan 2012* ('the LEP'). The aims of the LEP include:

- (a) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (b) *to encourage the sustainable management, development and conservation of natural and man-made resources in Junee,*
- (c) *to encourage a range of housing, employment, recreation and facilities to meet the needs of existing and future residents of Junee,*
- (d) *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (e) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of the area and support the long-term and economic viability of the local community,*
- (f) *to encourage non-agricultural enterprises to support economic growth, employment creation and business opportunities,*
- (g) *to encourage a variety of housing types in Junee, including affordable housing, to accommodate different levels of income and improve housing choice,*
- (h) *to protect and conserve environmentally sensitive places and native habitats in Junee,*
- (i) *to protect and enhance places and buildings of archaeological, cultural or heritage significance in Junee.*

The proposal is consistent with these aims as the proposal will contribute to the range of non-agricultural enterprises supporting economic growth, as well as efficient and equitable infrastructure for Junee. The proposal will also further develop energy generation opportunities, being a man-made resource, in Junee.

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP



According to the definitions in Section 1.4 (contained in the Dictionary) of the LEP, the proposal satisfies the definition of *electricity generating works*, which is an **innominate prohibited use** in the Land Use Table in Clause 2.3. The LEP definition is set out below:

electricity generating works means a building or place used for the purpose of—
(a) making or generating electricity, or
(b) ***electricity storage***.

The development is considered to be ancillary and an expansion to the current approved use of the site for *electricity generating works*, being permissible with consent in this instance.

Additionally, Section 2.36 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 permits with consent *electricity generating works* in prescribed non-residential zones. RU1 Primary Production zoned land is defined as a *prescribed non-residential zone* for the purpose of this Section of the SEPP. The development relies on the SEPP for permissibility in this instance.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow the development of processing, service and value adding industries related to primary production.*
- *To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.*
- *To allow for the development of non-agricultural land uses that are compatible with the character of the zone.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal supports a diversity in primary industry systems that is appropriate for the area.
- The development is considered to be a non-agricultural land use that is generally compatible with the character of the RU1 Primary Production zone.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. There are no specific controls that are considered to be relevant to the proposal.

The proposal is considered to be generally consistent with the Junee LEP 2012.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments, which have been the subject of public consultation under the EP&A Act, that are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Junee Development Control Plan 2021* ('the DCP')

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions:

- *Junee s7.12 Development Contributions Plan 2021*

This Contributions Plan has been considered and included the recommended draft consent conditions. The standard s7.12 contribution levy, as permitted in the EP&A Regulations 2021, will be applied to the development, resulting in a calculated contribution amount of \$209,350.00

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with no matters listed under this clause being considered relevant to the proposal:

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are not considered to be applicable to the proposed development.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposal is considered to be generally consistent with the context of the site, in that the proposed BESS is located within the boundaries of an existing solar farm and is located behind the existing vegetation buffer provided for this existing development. The overall location cannot be readily viewed from public viewpoints and does not significantly impact any views from non-associated dwellings. The overall scale of the proposed development is considered to be generally acceptable in the context of the existing development and the rural amenity more broadly.
- **Access and traffic** – The proposal is not anticipated to generate any significant traffic impacts, where the majority of traffic generated by the development will occur during installation works for a limited time.
- **Public Domain** – no significant impact to the public domain is anticipated. The development site is located within the existing solar farm site, and within the established vegetation buffer to Old Sydney Road for this site. The site is not generally visible to the wider public as a result of the local topography of the site.
- **Utilities** – existing electrical infrastructure is located adjacent to the site and will be integrated in accordance with the asset owner's (Essential Energy) requirements. Adequate clearances are proposed to the existing electrical infrastructure in this location. Essential Energy was contacted for comment, with standard requirements to maintain clearances to existing infrastructure and easements.

Reticulated water is available along the eastern boundary of the site but is not proposed to be extended to the site as part of this application.

- **Heritage** – no significant heritage impacts are anticipated as a result of the proposed development.
- **Other land resources** – no significant additional impact to agricultural land is anticipated as a result of the proposed development. The site is contained within the curtilage of the existing solar farm site. No significant impacts are anticipated to the water catchment area for this local area.
- **Soils impacts** – it is considered, based on current research and scientific findings, that BESS systems, when operated in accordance with the manufacturers specifications and requirements will not contaminate the site. There are some concerns where if a catastrophic failure of the battery module occurs, there may be contamination of the site from the battery and module material. The submitted preliminary hazard analysis advises that due to a number of integrated factors, battery chemistry, module design and mitigating measures, the risk of this occurrence is considered to be “negligible”.
- **Flora and fauna impacts** – No significant flora or fauna impacts are anticipated as a result of the proposed development. The site has been historically cleared of all significant vegetation. No additional clearing will be required to facilitate the proposed development.
- **Natural environment** – No significant changes to the existing natural environment is considered to occur as a result of the proposed development. The development site is located within an existing solar farm development.
- **Noise and vibration** – No significant noise impacts are anticipated to the nearest sensitive receivers. The proposed battery modules will not generate any significant noise. The main noise source is considered to be the proposed substations.
- **Natural hazards** – The site is not mapped or known to be flood prone land.

The site is also not mapped as Bushfire Prone Land, however it is considered that the proposed development is a potential fire risk to the surrounding area, as well as being susceptible to risk posed by bushfire, so a bushfire assessment was provided by the applicant to address this potential. The submitted bushfire safety assessment concluded that the proposal would not significantly contribute or be impacted by bushfire risk, subject to a number of recommendations outlined in the Key Issues section.

A fire safety statement and other incident management documents are also required to be provided to Fire & Rescue NSW as a condition of any consent.

- **Safety, security and crime prevention** – The development will be located within the existing security fence of the solar farm and will be remotely monitored. Each battery module is also contained within a secure enclosure, improving the specific security of the BESS.
- **Social impact** – The social impact of the development is considered to be generally neutral, providing no significant benefit or impact.

- **Economic impact** – The proposal is considered to have a generally positive economic benefit, where the BESS will support the ongoing operation of an existing solar farm and increase the economic viability of the existing facility in an ever more competitive energy market. In addition, the contributions generated by the facility under s7.12 will assist in funding projects with a net community benefit, as set out in Council's s7.12 Contributions Plan 2021 or as superseded.
- **Site design and internal design** – The proposed BESS is appropriately located on the site, located adjacent to the existing Essential Energy substation and transmission infrastructure, minimising the need for additional infrastructure installation. The proposal has also been sited within the existing site security fencing and vegetation buffer, also reducing the need for additional measures.
- **Construction** – The anticipated impacts from the construction phase of the project are considered to be minor in nature. The battery modules are assembled offsite, transported to the site, and installed on the site, where connections to the existing solar farm and transmission infrastructure will be made. No significant length of construction is proposed, with any construction activities anticipated to be minor in nature and scale.
- **Cumulative impacts** – The proposed BESS will not significantly increase the cumulative impact of the existing solar farm that has been successfully operating on the site since the original approval issued in 2018.

Given the considerations above, it is anticipated that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is considered to be suitable for the proposed development, where the proposed BESS will be located within the existing curtilage of an existing solar farm. There are no adjoining uses that would limit or prohibit the proposal.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed development is considered to be generally in the public interest, where the proposed development will support the ongoing operation of an existing solar farm facility. These facilities will form part of the ongoing energy generation diversification and renewable energy investment currently ongoing across regional New South Wales. The support and investment into renewable projects are considered to be desired to future proof renewable energy generation and increase economic feasibility.

The proposal is considered to be consistent with the general principles of ecologically sustainable development, where the development will be located within the existing footprint of a larger facility, will support an existing energy diversification project and introduce local energy storage to increase energy security in the region.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - Biodiversity Conservation Act 2016	N/A	N/A
Rail authority for the rail corridor	Section 2.98(3) - State Environmental Planning Policy (Transport and Infrastructure) 2021	N/A	N/A
Referral/Consultation Agencies (if none – N/A – to show consideration)			
RFS	S4.14 – EP&A Act Development on bushfire prone land	N/A	Y/N
Electricity supply authority	Section 2.48 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Development near electrical infrastructure	Yes, consultation undertaken with Essential Energy as the proposal is located immediately adjacent to an electrical substation that is owned by Essential Energy. The development is considered to comply with the separation distances required by Essential Energy from the existing 132KV and 66KV overhead network. These distances are 20m and 15m respectively, where a distance of approximately 95m is proposed to the nearest overhead network asset, being the 66KV overhead network.	Y – standard Essential Energy conditions of consent required to be applied. Clearances specified in response can be maintained.
Rail authority	Section 2.97 – State Environmental Planning Policy (Transport and Infrastructure) 2021	N/A	N/A

	Development land that is in or adjacent to a rail corridor.		
Transport for NSW	Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Development that is deemed to be traffic generating development in Schedule 3.	N/A	N/A
Design Review Panel	CI 28(2)(a) – SEPP 65	N/A	N/A
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - Rural Fires Act 1997 bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A	N/A
Natural Resources Access Regulator	S89-91 – Water Management Act 2000 water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Department reviewed the submitted layout and site plan and considered that there were no objections subject to standard construction management conditions. Construction Traffic impacts have been considered and are not anticipated to generate significant safety concerns.	Y
Building	N/A – no building works proposed as part of application	N/A

There are no outstanding issues raised by Council officers, other than conditions of consent relating to construction management.

4.3 Community Consultation

The proposal was notified in accordance with the DCP from 17 April 2025 until 15 May 2025. Notification included the following:

- An advertisement in the local newspaper – Junee Independent
- Notification on the NSW Planning Portal
- Notification letters sent to adjoining and adjacent properties

The Council received a total of 12 unique submissions, comprising 12 objections and 0 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

It is noted that of the 12 unique submissions, 2 were received from residents of the LGA, with no submissions received from adjoining neighbours or landowners in the immediate vicinity of the site.

Table 6: Community Submissions

Issue	No of submissions	Council Comments
Fire Risk	7 (2 Local Submissions)	Planning consideration - The fire risk from the development has been adequately addressed, through the Preliminary Hazard Analysis and the Bushfire Safety Assessment.
Site Contamination	6 (2 Local Submissions)	Planning consideration
Decommissioning	2	Planning consideration
Moral Objection	7 (2 Local Submissions)	Not a planning consideration.
Noise	1 (1 Local Submissions)	Planning consideration – Acoustic assessment has confirmed that no significant noise impacts are anticipated as a result of the proposal
Visual Impact	2 (2 Local Submissions)	Planning consideration – Minimal additional impact anticipated, development will be screened with existing vegetation.
Land Use Conflict	3 (2 Local Submissions)	Planning consideration – The BESS will be located within an existing solar farm, minimal additional land use conflict anticipated.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Potentially Hazardous Development

As a result of global and local incidents relating to BESS facilities having catastrophic failures, including the Victorian Big Battery fire, the applicant was directed by Council to prepare a Preliminary Hazard Analysis for the proposal. The proposed development does not trigger this requirement from the State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3. This was completed by *Riskon Engineering* and provided as an attachment to the submitted SEE. This report was completed in accordance with the *Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 – Hazard Analysis* and the HIPAP No. 4 – Risk Criteria for Land Use Planning.

The Preliminary Hazard Analysis has assessed the potential hazards that may be present as a result of the development and assess the likelihood of offsite impacts of various scenarios. The following scenarios were assessed as part of this analysis:

- *Fire Impacts*
- *Explosion*
- *Toxicity*
- *Property Damage and Accident Propagation*

A thorough assessment of the development and the specific features and safety measures proposed as part of the BESS have concluded that the overall risk and hazard posed by the development is generally low, subject to the following key recommendations:

- The BESS must be tested in accordance with UL9540A - *Standard for Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems*
- This testing should inform the required separation distances between the modules
- UL testing results to be provided to Council, being the certifying authority.

These recommendations should be incorporated into the conditions of any consent issued. It is considered that the proposed BESS is suitable as proposed.

5.2 Noise Impact Assessment

The applicant has provided an acoustic assessment of the proposed development, prepared by *Acoustic Logic*, focussing on the operational phase of the facility as minimal construction works are required to implement the proposed development. The main acoustic generating plant proposed for the site is anticipated to be the proposed substations. The battery modules are not anticipated to generate any significant level of noise.

The nearest sensitive receiver not associated with the property is located approximately 1.95km to the east of the subject site, which is separated by a ridge.

The assessment has indicated that the development will not exceed the relevant noise criteria at the nearest associated or non-associated sensitive receivers. It is considered that the overall acoustic impact will be negligible from the existing operation of the site.

5.3 Fire Safety

The site is not mapped as being bushfire prone land, however it was considered that the development, based on previous incidents, had the potential to be impacted by bushfires and increased the likelihood of bushfire generating from the site and impacting the local area. A Bushfire Assessment Report has been prepared by *Waratah Bushfire*, assessing the proposal

against the relevant provisions and requirements of the Rural Fire Service publication *Planning for Bushfire Protection 2019 (PBP)*.

The report has identified the existing roadside vegetation as being the primary bushfire source risk, along with the required visual vegetation buffer to the boundary of the existing solar farm. The report also relies on the findings of the Preliminary Hazard Analysis to quantify the risks associated with the development and to make appropriate recommendations. The recommendations of the report include the following measures:

- *Establishment of an Asset Protection Zone (APZ) of 22m around the BESS*
- *Update the existing Emergency Response Plan to include the BESS component and the findings of the report.*
- *Ensuring appropriate access to fire fighting vehicles is provided in accordance with PBP*
- *Provision of additional water storage on the site for firefighting purposes*

In addition to the measures outlined above, the development was referred to Fire & Rescue NSW (FRNSW) for advice (Attachment B). This report provided the additional recommendations as conditions of consent in relation to fire safety for the site, including:

- *Development and endorsement by FRNSW of a Fire Safety Study prior the release of any construction certificate*
- *Development of an Emergency Plan in accordance with HIPAP No.1 prior to an occupation certificate or commissioning*
- *Development of an Emergency Service Information Package (ESIP) in accordance with FRNSW guidelines prior to occupation certificate or commissioning*

These plans are to be developed in conjunction with FRNSW and should be completed in accordance with the relevant guidelines.

Overall, given the provided information and proposed mitigation measures, it is considered that the fire risk of the site can be adequately minimised.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily, including potentially hazardous development, fire risk and acoustic impacts. The proposed mitigation measures are considered to lower the cumulative potential impact of the development.

7. RECOMMENDATION

That the Development Application DA2025.18 for a Battery Energy Storage System at 364 Old Sydney Road, Marinna be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Fire & Rescue NSW Advice Letter
- Attachment C: Essential Energy Referral Response

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

ATTACHMENT B: FIRE & RESCUE NSW ADVICE LETTER

ATTACHMENT C: ESSENTIAL ENERGY REFERRAL RESPONSE