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**To: Port Stephens Council General Manager**

**Via the DA Tracker portal**

**Re: BESS 1154 Clarence Town Rd, Seaham – 5 DA’s numbered:**

**16 - 2023 - 382 – 1, 16 - 2023 - 383 – 1, 16 - 2023 - 384 – 1, 16 - 2023 - 385 – 1, and 16 - 2023 - 386 – 1**

Dear Sir,

**There are five separate BESS Development Applications (DAs) for the same site at 1154 Clarence Town Road, Seaham.** KKEPS would like to thank Council for allowing us to make just one submission in response to all 5 DAs currently on exhibition as at 1154 Clarence Town Rd, despite having differing deadlines for submission on the DA Tracker, i.e. 6/10/23 and 10/10/2023.

It is disconcerting to see on the NSW planning portal that there are 6 BESS applications listed at 1154 Clarence Town Rd, five being noted as Under Assessment, and one called PAN97011 is listed as Determined but details are not accessible. Perhaps this is an error, but this supposedly determined DA supports the argument that having allowed 5 separate DAs for the same site causes confusion and is therefore problematic from an administrative point of view.

While most of the documentation regarding 1154 Clarence Town Road look similar, there are different references in the Wildthing Environmental Assessment Report (EAR), and the HDB Statement of Environmental Effects (SEE) such as job numbers, dates and file names. There are also different numbers of architectural plans, RAI responses, noise tests, civil engineering plans and letters from Ausgrid that are mostly attached to each DA listing on the DA Tracker. There is “No data” recorded under the heading of Related Applications.

Following is a table noting some of the differences (not complete) for the 5 DAs for the same site at 1154 Clarence Town Rd, Seaham:

DA reference	No of docs	Statement of Environmental Effects (SEE)	Environmental Assessment Report (EAR) job no	Doc notes	Submission deadline
16 - 2023 - 382 – 1	20	SEE July 2023 Report 22/158 Rev B		3 architectural, 2 RAI (identical?)	06/10/2023
16 - 2023 - 383 – 1	19	SEE Report 23/048 Rev B		3 architectural, noise, and civil engineering docs, no Ausgrid letter	06/10/2023
16 - 2023 - 384 – 1	19	<b>SEE August 2023 Report 23/049 Rev</b>	12787 June 2023	2 architectural plans, noise test report from manufacturer, letter	10/10/2023

		<b>C – called Teddy Bear</b>		from Ausgrid, no civil engineering plan	
16 - 2023 - 385 – 1	17	SEE July 2023 Report 23/050 Rev B	12785 July 2023	2 architectural plans, no noise test nor letter from Ausgrid.	10/10/2023
16 - 2023 - 386 – 1	20	SEE July 2023 Report 23/051 Rev B	<b>12785 July 2023</b>	3 architectural plans, noise test report and letter from Ausgrid,	10/10/2023

Please note that **KKEPS has used the HDB SEE August 2023 23/049 Rev C Report and the Wildthing EAR 12785 July 2023** report as possibly being the latest versions. Any page references given in this submission relate to those reports.

Adding to the confusion is a letter from HDB to council dated 5<sup>th</sup> July 2023 noting there are 7 proposed BESS in Port Stephens, but it doesn't list them. There seems to be five to the south and west of the Seaham sub-transmission substation (STS) at 1154 Clarence Town Rd, and one more at 994 Clarence Town Rd (Wildthing EAR quotes exactly the same job no: 12787 June 2023 and the project also involves Clean Energy Transfer Fund (CETF)). In addition to these applications, there are plans to construct a 250 megawatt (MW) Battery Energy Storage System (BESS) to the east of Seaham sub-transmission substation (STS) at 1156 Clarence Town Road, Seaham which is currently at the EIS preparation stage (SSD-42216380).

In the RAI reply to council, HDB does not adequately address why 5 separate DAs are “fundamental for the project to proceed”; while they will have separate connections to the grid and separate leases, they are all on the same site and will have a cumulative impact on the surrounding rural landscape and on koala habitat.

It seems clear from the SEE and EAR report references and similarities, that CETF are themselves considering the two sites at 994 and 1154 Clarence Town Rd as the one project which could suggest that their request to have 5 separate DAs for the one site be assessed separately through Council, instead of going through HCC JRPP, is not justifiable. CTF claim that the separate DAs provide for a more streamlined assessments which KKEPS refutes. We submit that consideration of the five sites would be easier if the information was all in one application. There is a perfectly good reason to follow the appropriate pathway through HCC JRPP due to the value of the project.

KKEPS submits that the multiple DAs and slightly different versions of SEE and EAR make assessment difficult, without information clarifying what is different in each application. KKEPS is of the opinion that the five development applications should have been considered as one application. We also suggest that all the BESS applications in this area should be assessed together in order to have an aggregated perspective and clear picture of any cumulative impacts.

**KKEPS submits that Council should refer these 5 CETF applications through to the JRPP process as one project due to their value.**

### **Koala Habitat**

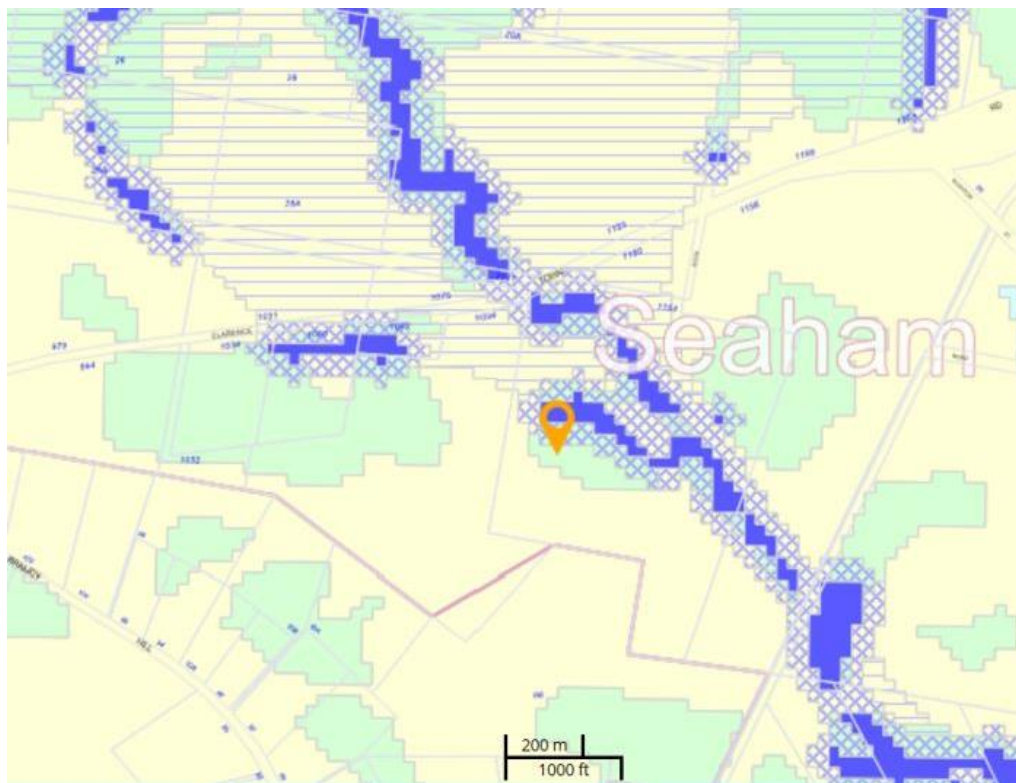
The Statement of Environmental Effects (SEE) by HDB, contains mostly the same information as the Wildthing Environmental Assessment Report (EAR). The same paragraphs are simply copied and used repeatedly under different headings e.g. referring to Impacts and Cumulative Impacts.

The Wildthing EAR states “The subject land is located within the Port Stephens Council and is zoned as RU2. Therefore, the subject land falls under ‘Chapter 3 Koala habitat protection’ 2020 of the SEPP (Biodiversity and Conservation) 2021.... An assessment under the Port Stephens CKPoM has been undertaken in Section 8.0 of the report.” p9

Some figures, for example Figure 3 of the SEE showing Biodiversity Values Mapping, only shows the location of a portion of the Preferred Koala Habitat. Compare the SEE figure to the cross-hatched sections of preferred habitat existing over marginal or cleared land area shown on CKPOM koala habitat mapping and it is clear that the SEE figure downplays an essential part of the wildlife corridor which traverses this property. A comparison is provided below which shows how even a small section of the CKPOM mapping provides a clearer picture of how important the wildlife corridor through this site is for connectivity.



**Figure 3: Biodiversity Values Mapping**  
*Source: NSW ePlanning Portal accessed Feb 2023*



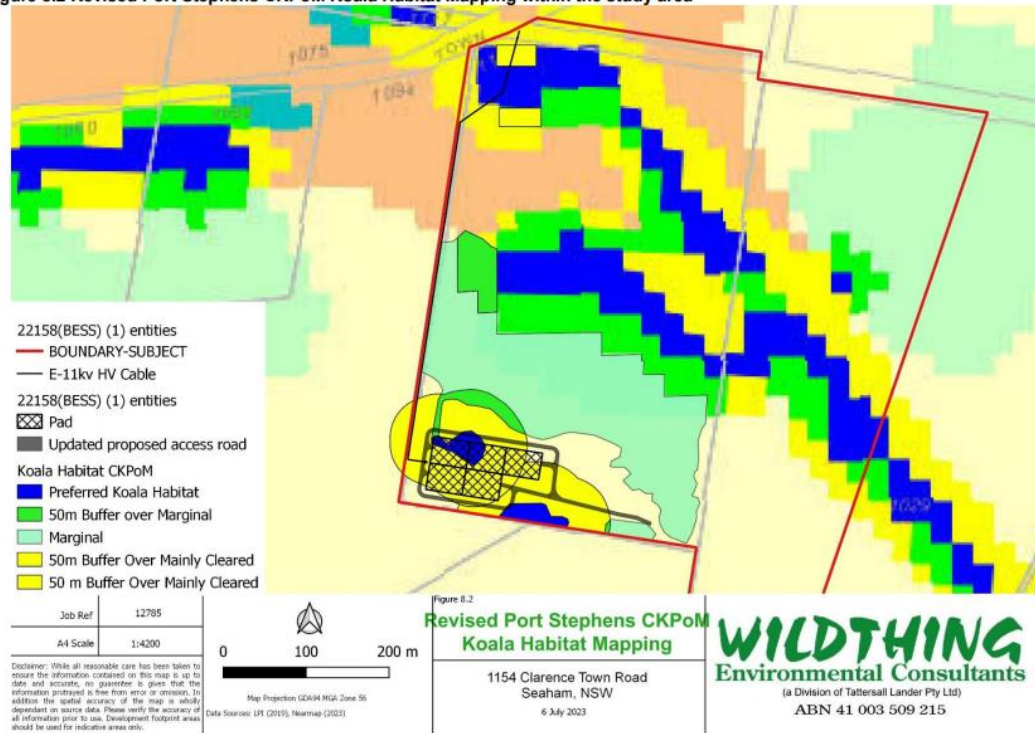
Crosshatching from CKPOM mapping is not shown in the SEE Figure 3. The Wildthing EAR figure 8.2 [following] shows clearly that that the BESS is placed on habitat buffer land.

These maps clarify that the proposed development and planned underboring will affect more koala habitat than may be at first apparent.

Proposed BESS Installation  
1154 Clarence Town Road  
SEAHAM NSW

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Figure 8.2 Revised Port Stephens CKPoM Koala Habitat Mapping within the study area



## Field surveys

The Wildthing EAR Summary notes “The study area included the established road access just east of the centre of the subject land, the proposed access road to the proposed Battery Energy Storage System (BESS) footprint, the footprint of the BESS and the proposed cable route.”

The surveys summarised in their Table 4.2 (shown below) were carried out in a very limited study area, apparently avoiding the best habitat on the block, and were done in the winter by two people in a period of just over 6.5 hours, then multiplied out as 13 hours.

Given the limited time and lack of temporal or seasonal variation it is hardly surprising that the surveys found no threatened flora or fauna species except *Miniopterus australis* (Little Bentwing Bat). Using only these survey results is not appropriate nor acceptable, given the subject site was considered to contain suitable habitat for 35 threatened fauna species.

**KKEPS submits that further flora and fauna field studies be required.**

#### 4.2 FIELD ASSESSMENT

Fieldwork was undertaken in June 2023. A summary of the time spent on site during fieldwork and the prevailing weather conditions at the time is contained in Table 4.2.

**Table 4.2: Survey Dates, Times and Weather Conditions**

DATE	TIME	SURVEY EFFORT (PERSON HOURS)	ACTIVITY	WEATHER
Thursday 1/06/2023	1300– 1530	5h (2 persons)	General site inspection Vegetation survey Diurnal fauna survey Tree survey Incidental observations	7/8 Cloud, 22.4°C, 47% relative humidity, Wind 13km/hr WNW
Friday 9/06/2023	1700 – 1830	3h (2 persons)	Set camera traps Set anabat survey Diurnal fauna survey Incidental observations Spotlight Incidental observations	1/8 Cloud, 16.4°C, 47% relative humidity, Wind 11.1km/h WNW
Thursday 15/06/2023	0950 - 1220	5h (2 persons)	Camera trap retrieval Tree Survey Incidental observations	0/8 Cloud, 14.2°C, 50% relative humidity, Wind 16.7km/hr WNW

A detailed methodology for the surveys listed within Table 4.2 above have been described in the following Sections 4.2.1 – 4.2.5:

KKEPS notes that there is a significant backlog of DATA of wildlife rescues being uploaded by BIONET to be accessed through the SEED portal. Approximately 4 years data is unavailable. <https://www.abc.net.au/news/2023-09-05/four-years-of-wildlife-records-missing-from-bionet/102814854> (ABC news story) which makes it difficult to properly assess this proposal or any other where koala habitat is present. There are no fauna records provided in the EAR or SEE that are usually part of such applications. Recent studies using a range of survey techniques have also shown that it is imperative to not rely on the more limited success of traditional techniques.

“PCT 3433 - Hunter Coast Foothills Spotted Gum-Ironbark Grassy Forest; was found to be most consistent with the Endangered Ecological Community - Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions. As a result of the proposal, approximately 0.30ha of Lower Hunter Spotted Gum—Ironbark Forest will be removed, which includes the removal of up to 36 trees.” EAR p. i. The proposed siting of the BESS at the rear of the Lot will necessitate the removal of 36 trees in an Endangered Ecological Community to get the cabling along both the western and northern sides to reach the substation at the roadside.

Wildthing sensibly concluded, however, that “Due to a number of local records within the last 5 years within 1km of the subject land and the presence of the Koala Food Tree species *Eucalyptus tereticornis*, the precautionary principle was taken and it was assumed *P. cinereus* utilises the study area.” KKEPS agrees with the Port Stephens Comprehensive Koala Plan of Management (CKPOM) that *Eucalyptus tereticornis* is the preferred species for koalas to feed from in this area.

Wildthing reported under the heading Vegetation, that the dominant canopy species “included *Corymbia maculata* (Spotted Gum); *Eucalyptus siderophloia* (Grey Ironbark) and *Melaleuca nodosa* (Prickly-leaved Paperbark).” KKEPS notes that Grey Ironbark and *Melaleuca nodosa* are both recognised as koala shelter trees.

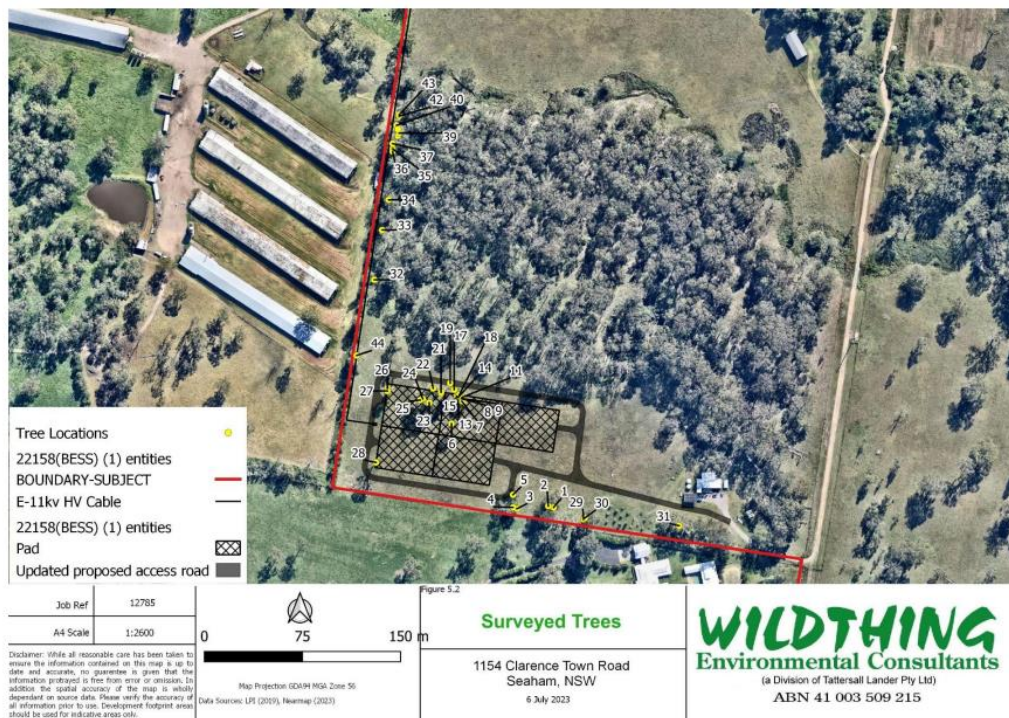
More detailed information about trees used by koalas in Port Stephens has been researched by KKEPS and is available here: [Koala-Trees Port-Stephens FINAL June-2023.pdf \(econetworkps.org\)](#)

Wildthing made several recommendations in the EAR including the retention of Preferred Koala Habitat wherever possible, planting of compensatory Koala Feed Trees, avoiding trees with

hollows and compensating with Nest boxes to be installed into retained trees at a ratio of two nest boxes per hollow-bearing tree. They conclude that “Taking the recommendations into consideration it is less likely that the proposal will disrupt the life cycle of the Koala such that local extinction would occur.”

In section 5.2.2 (TREE SURVEY), Wildthing note that 33 trees out of a total of 44 native trees recorded within the impact area will or are likely to be removed. They also mention that there is scope to reposition the cable to reduce any impact on the structural root zone of some of the trees. Tree No. 39 may require removal, but Wildthing have recommended that it is retained as it contains hollows. Up to eight other hollowbearing trees may hollows require removal. The proposal will also require the removal of 15 specimens of *Eucalyptus tereticornis* (Forest Red Gum), a Koala Food Tree species under the Port Stephens CKPoM. An additional two specimens of *E. tereticornis* (Trees No. 5 and 44) may also require removal, however Wildthing believes there is scope to retain both and recommends that they are not removed. Details of each of the 44 trees including height, diameter at breast height (DBH), coordinates and fauna habitat attributes such as hollows are contained Appendix B. The location of the 44 trees are shown in Figure 5.2 [following].”

Figure 5.2 (EAR) surveyed tree locations.



It is not clear if the Wildthing’s recommendations to avoid impacting native trees has been accepted, but the same information is not contained within the SEE, which raises doubt. Similarly, Wildthing notes many mitigation measures to be followed (pp. 53-54). These should be made conditions of approval if Council consents to these applications.

On the matter of tree removal, there is no information provided in the SEE or EAR regarding what to do with injured wildlife and no fauna rescue contact numbers which is usually included in DA supporting documentation.

KKEPS recommends the following two local organisations, that are available 24/7:

- Port Stephens Koala Hospital rescue number – 1800 PS Koalas (1800 775 625) \*
- Wildlife in Need of Care (WINC) on 1300 946 295

\* Please note that PSKH has diversified to care for most wildlife species and has a vet employed.

Additionally the proponent should carefully note the information in the KKEPS pamphlet [Recognising-a-sick-koala-and-calling-for-rescue-FINAL.pdf \(econetworkps.org\)](https://econetworkps.org/Recognising-a-sick-koala-and-calling-for-rescue-FINAL.pdf)

### **Matters of National Environmental Significance (MNES) and Criteria for Biodiversity Offsets**

MNES protected under the EPBC Act are assessed in accordance with the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance (DoE 2013). This process is to determine if there is likelihood for an action to have a significant impact on MNES. “An action will require referral to, and may require the approval of, the commonwealth minister for the Environment (in addition to any local or state government consent or approval) if that action will have, or is likely to have, a significant impact on the environment or on a MNES.” EAR p10.

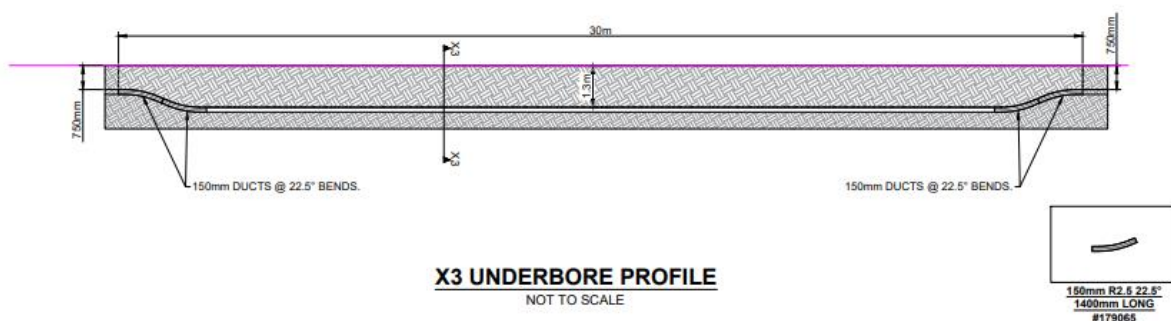
Wildthing state that “The NSW Biodiversity Values Map was consulted on the 18 May 2023 (see Figure 3.1 overleaf]. As of this date it was determined that there were areas of mapped ‘Biodiversity Values’ (BV) within the subject land.

While the underbore points for the proposed cable will be positioned outside of the BV mapping, **the proposal will underbore the proposed cable within the location of the mapped Biodiversity Values (BV)**. While only recognising the underbore points outside of the BV mapping area, the proposed development will not exceed the biodiversity offsets scheme threshold in regard to Section 7.2(b) of the BC Act. An extract of the Biodiversity Values Map has been provided in Figure 3.1.”

**KKEPS submits that the full extent of the buffer habitat land identified in Fig 8.2 be considered, to calculate if the proposed development may exceed the threshold for the biodiversity offsets scheme.**

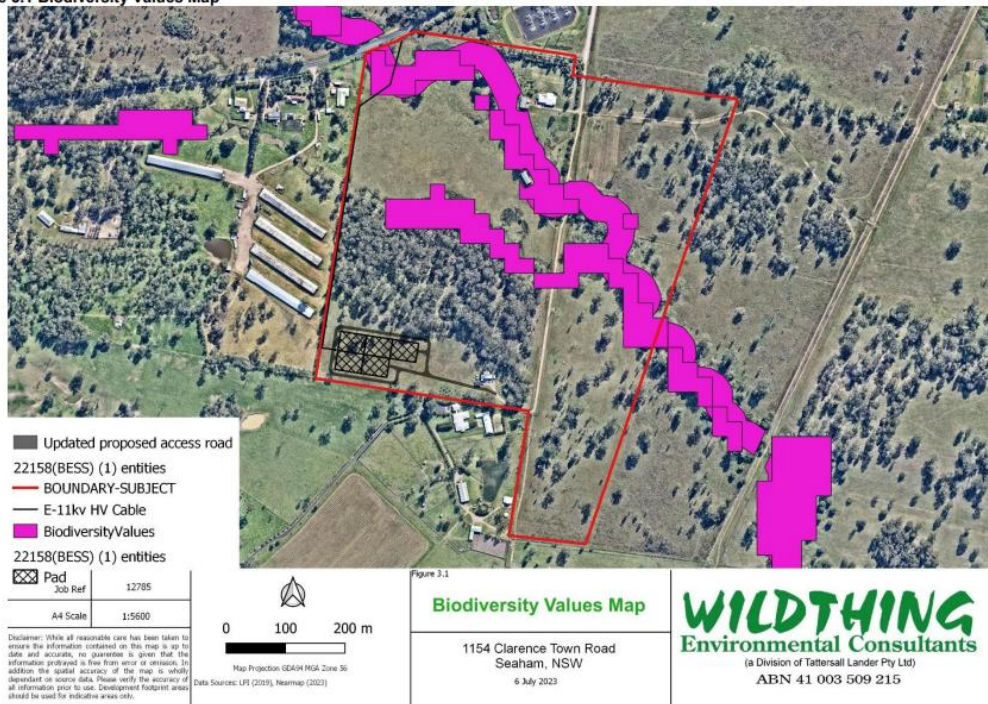
### **Civil Engineering – underbore**

The underbore profile given in the Civil engineering report p.7 indicates that the depth of the trench to the cables is 1.3m, but there is no measurement for the depth of the trench, or how the underboring machinery avoids trees’ driplines or roots. It gives no information about the size of the machinery, including the height, and what the machinery will impact as it is used.



Should the underboring attempt not be as successful as purported, then this platitude will be false: “No areas of habitat are likely to become significantly fragmented or isolated from other areas of habitat as a result of the proposed action”.

Figure 3.1 Biodiversity Values Map



KKEPS does not agree with the Wildthing assumption that “Proposed underboring of the Preferred Koala habitat within the northern extent of the proposed cable installation will therefore not impact this habitat, with the underbore points located outside of the Preferred Koala Habitat. No areas of habitat are likely to become significantly fragmented or isolated from other areas of habitat as a result of the proposed action.” As there is no reference to any evidence of underboring being a successful method, we can’t agree that fragmentation nor isolation will not occur. KKEPS believes the underboring will affect the vitality of the trees by interfering with their root systems.

**KKEPS recommends that the Civil Engineering proposal is further investigated prior to any approval being given.**

### Flood prone site

The SEE Figure 4 [following] seems to indicate that the exact site of the BESS has been chosen to avoid the flood prone land affecting most of this block. There appears to be more cleared land that is not in the flood zone, and is closer to the STS, on the north-eastern end of the block and on the other side of the right of way road from Clarence Town Rd.

KKEPS queries why this location has not been considered as a more economical alternative, without the need to underbore preferred koala habitat, or streams. These alternative areas would also require less roadworks for the project and would be further away from the two homes at the southern end of the block, where the BESS is proposed. Further, flooding could hinder access to the currently proposed BESS site.





**Figure 4: Flood Planning Area Mapping**

*Source: NSW ePlanning Portal accessed Feb 2023*

**KKEPS submits that an alternative location should be given closer consideration, that is outside of the koala habitat corridor, even though it may be nearer the RES Brandy Hill BESS proposal on 1156 Clarence Town Rd.**

KKEPS believes this proposal, as it stands, is likely to affect the biodiversity value of the site, including causing a localised extinction due to the direct impact of this proposal:

- In addition to clearing 36 trees, underboring the corridor and creeks may affect tree growth and cause die-back or death, possibly severing the corridor.
- The constant noise emitted by the BESS could cause chlamydia symptoms to emerge from latent infections in koalas, and affect the breeding possibilities and success afforded through koalas being no longer able to verbally communicate effectively across quiet bushland.
- Seeming rejection of the Wildthing recommendations for compensatory koala food tree plantings and provision of nest boxes as these have not been repeated within the SEE, as other parts of the EAR have been copied over, and the Landscape plan only refers to limited plantings surrounding the BESS, none of them being PKFTs.

**KKEPS submits that insufficient consideration has been given to the impact of clearing and the underboring process to ensure the survival of the Preferred Koala Habitat, as it is assumed in the SEE that it will “not impact this habitat”, as the Wildthing recommendations were not carried over and therefore do not seem assured.**

## Fire risk

The proposed BESS development site is near the highest fire danger area as shown in Figure 5 [below], being adjacent to the best habitat on the Lot, as well as being near the neighbour's apparent chicken sheds.

While lithium-ion batteries are generally safe, it is relatively easy to damage plastic casings or cause overheating from heavy power draws. Lithium-ion batteries are known to catch fire. Lithium-ion battery fires are almost impossible to extinguish and can cause toxic fumes and smoke. The Guardian Newspaper in May 2023 reported how even small lithium-ion batteries on e-scooters and e-bikes if overheating can “create fierce fires, releasing toxic smoke” due to the massive amount of energy stored in a small space. “Each cell is filled with flammable electrolyte and electrodes that could short if they get damaged or are not properly maintained. This causes the cell to overheat”. <https://www.theguardian.com/news/2023/may/02/e-bike-e-scooter-battery-fires-uk-data>

The proponent's short bushfire report states “Under Clause 8.3.9 of PBP 2019 (p.79), power (electricity) generating works are described as Hazardous Industry. Such developments have an ability to start a bushfire as well as being susceptible to bushfire impact when located on bushfire prone land.”

Further, the bushfire report notes that “The document titled ‘Planning for Bushfire Protection (Section 8.3.1) 2019’ (p.76) states:

‘The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP’.

While KKEPS is uncertain of the meaning of this disclosure, it seems that there may not be relevant standards for these kinds of buildings, further adding to concerns about fire risk.



**Figure 5: Bushfire Mapping**

*Source: NSW ePlanning Portal accessed Feb 2023*

There is nothing in the Fire Report about particular resources needed for Lithium-Ion battery fires. Although the report suggests a watertank, that is accepted by the proponent, such a fire may need other fire-fighting equipment that has not been recommended.

KKEPS is particularly concerned about fire risk as there have been numerous recent media coverage, including this report from Queensland: <https://www.abc.net.au/news/2023-09-27/tesla-battery-fire-at-queensland-renewable-energy-project/>.

KKEPS also notes the Conformity Certificate states that “The above models were already EMC tested in report CN21R79Q 001 and 002. In this report, **the models of battery module were changed** from P573-V111, P573B-V111 to P573-111, P573B-111. Therefore, **the above models are deemed to meet the requirements of prescribed standards without actual testing**. End of Test Report”. p4. Research into lithium-ion fires has highlighted how important the choice of manufacturer and the safety regulations that have had to be conformed with in the country of origin can be, suggesting that even a change in model should be subject to additional tests.

Further concern is that testing was conducted on a single unit in a temperature-controlled environment: “Room temperature: 25.0 – 25.4°C Relative humidity: 59.4 – 59.8%” p26. Considering the proposed density of battery storage units at this site 1154 and 1156 Clarence Town Road (Brandy Hill BESS aka RES), how will the operating conditions be affected with 10-12 units in close proximity with surrounding summer temperatures on a site that could already reach up to 50 degrees, or more if climate change isn’t addressed?

**KKEPS submits that consent is not appropriate for a development that will add to bushfire risk.**

**KKEPS submits that it would be safer to have BESS located closer to Clarence Town Rd so that fires may be more quickly noticed, and more easily attended, to by fire authorities.**

## **Habitat mitigation and impact minimisation**

### **Stress causes chlamydia**

While the assessment is ostensibly true that “The proposal is unlikely to result in the introduction of disease that may cause Koala to decline”. It is well known that stress causes the symptoms of latent chlamydia infections of koalas in Port Stephens to emerge. Stress will result from the construction of the BESS, through destruction of habitat, noise, light and disruption to the corridor.

### **Impacts of noise on koalas and bats**

The proposed development will cause a level of noise offensive to wildlife. Continuing noise is known to keep koalas away from previously inhabited areas. Consideration should be given to whether bats communication and hunting abilities may also be affected by noise.

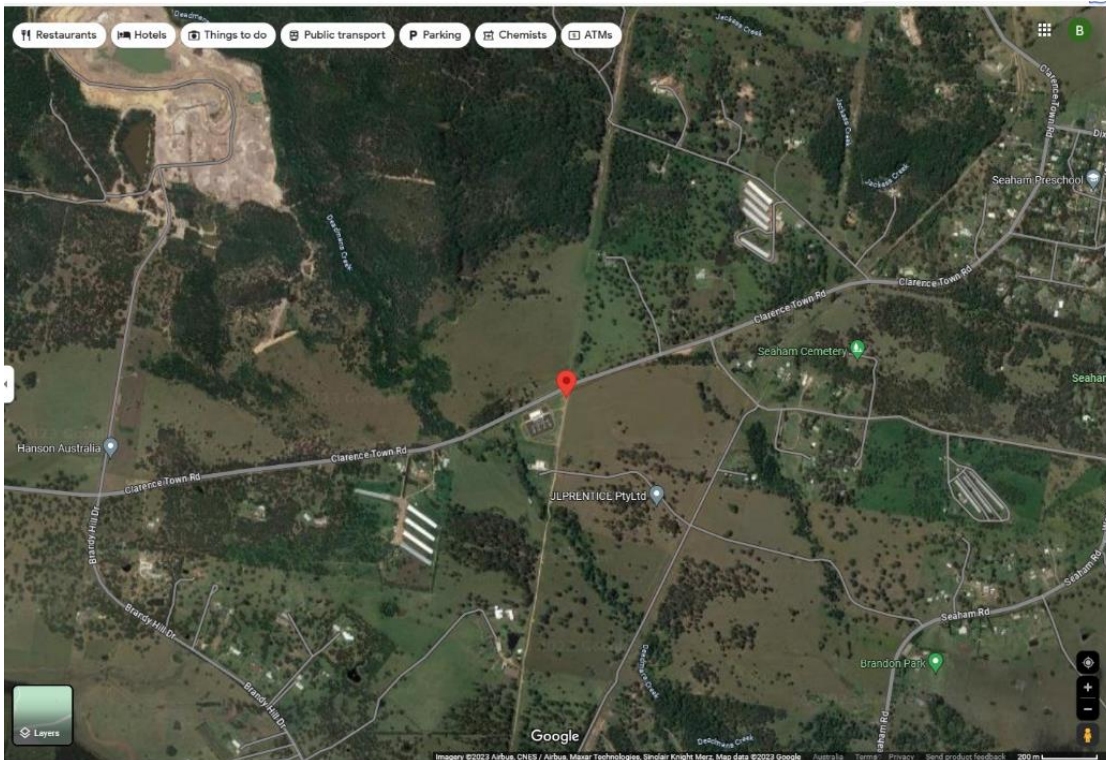
The Noise report that has been provided by the manufacturer of a single unit, is not sufficient consideration of the reality of the proposal having 10-12 batteries in close proximity.

**KKEPS submits that further noise tests and research must be conducted to meet impact minimisation and mitigation considerations.**

### **Impacts of light pollution on wildlife**

No mention has been made in the SEE or EAR about the impact of light pollution on wildlife. [National Light Pollution Guidelines for Wildlife - DCCEEW](#) “The guidelines raise awareness of the impacts of artificial light on wildlife. They can help you protect Australia’s threatened wildlife. In 2023, the guidelines were updated and now also include specific advice on how to protect bats, terrestrial mammals and ecological communities.”

**KKEPS submits that further information must be provided by the proponent to meet Light Pollution guidelines for wildlife.**



KKEPS notes that the site is close to the Hanson Brandy Hill Quarry (to the northwest of the proposed BESS site) shown on the above google map. Environmental conditions (to be finalised) have been put in place for large plantings of Preferred Koala Food Trees (PKFTs), prior to the expansion of the quarry.

The Wildthing EAR report contains recommendations for compensatory PKFT plantings and provision of nest boxes on site, yet these recommendations have not been copied over to the SEE.

KKEPS supports the Wildthing recommendation that to mitigate direct and potential losses the proponent should take “replacement ratios into account up to 160 replacement Koala Feed Tree Species plantings would be required. There is scope for replacement plantings within the subject land”.

KKEPS further supports the conditions proposed by Wildthing on the replacement trees given on p.67 of the EAR, being:

- a. of the same species: (i.e. Eucalyptus tereticornis);
  - b. sourced from local provenance seed stock;
  - c. planted in a cluster and, where feasible, in the vicinity of any retained food trees;
  - d. protected, nurtured and maintained until the trees have reached a mature height of 5 metres;
  - e. Any replacement trees that die before maturity must be replaced.
- Undertake general weed control within the site.”

KKEPS also supports the Wildthing recommendation for a Vegetation Management Plan to:

“e) Make provisions for long term management and protection of Koala habitat including both existing and restored habitat.....The plan will include the removal, protection, enhancement and compensatory planting of native vegetation within the site” and

“f) Not compromise the potential for safe movement of Koalas across the site. This should include maximising tree retention generally and minimising the likelihood that the proposal would result in the creation of barriers to Koala movement, such as would be imposed by certain types of fencing”.

More appropriate fencing may be provided by smooth matt-finish flashing being attached to the outside of the proposed steel mesh to prevent koalas climbing in to the BESS.

KKEPS also supports the Wildthing recommendation that the “Speed limit of this [access] road should be restricted to 20km/h in order to minimise the risk of injury or fatality to any koalas as a result of motor vehicles.”

**KKEPS submits that the proponent should provide further details to clarify how the applicant proposes to minimise and mitigate direct and potential impact to the habitat on site.**

### Impacts on neighbouring properties

KKEPS is concerned that the location of the BESS near two homes, one on a neighbouring property, will provide a poor visual and noise impacts upon them.

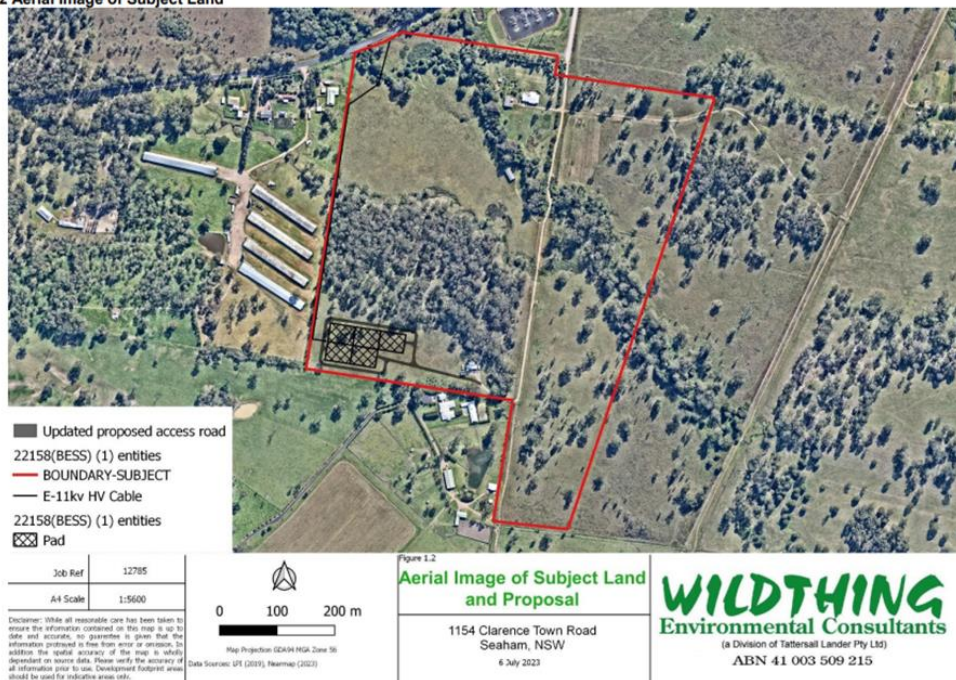
The statement on p26 of the SEE that “There will be some additional noise during the installation period, however, this will be relatively minor and not considered to be offensive” may not be agreed with by the neighbours living at the southern end of the block.

See figure 1.2 following for an aerial imagine of the site showing the proximity of the BESS to neighbouring homes and existing farming infrastructure.

Proposed BESS Installation  
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Figure 1.2 Aerial Image of Subject Land



Although a perimeter screen planting of shrubs and trees is proposed to the east and south of the development, KKEPS submits this will take some years “to effectively screen the BESS from the surrounding developments.” The plants chosen are fairly fast growing, but short-lived.

**KKEPS submits that further consideration must be given to the location of the BESS on the Lot and to preparing more extensive and enduring compensatory landscaping plans.**

### **Environmental management**

Section 6.10 Waste in the SEE does not refer to the decommissioning and removal of BESS p 30. The Decommissioning Plan is a single page that does not advise what may be recycled, admitting this is not being done yet by anyone, and the proponent seems to be simply hoping for the best. There is no mention of remediating the land, only of removing the batteries.

There is also no guarantee that this company will be in existence in 20 years to decommission the BESS, even though the Decommissioning Plan says “CETF will reserve resources to cover the decommissioning process for each HIVE Battery Site”. How can that be guaranteed? Is Council able to request and hold these funds?

**KKEPS submits that inadequate consideration has been given to Environmental Management.**

### **Cumulative Impact**

The Cumulative Impact (section 6.12) ie Ecological impact written in the SEE is the same in the EAR: “The proposal will result in the removal of approximately 0.13ha of Preferred Koala Habitat, 0.01ha of 50m buffer over marginal, 0.04ha of marginal, 1.08ha of 50m buffer over cleared land, 0.03ha of link over cleared, and 0.65ha of mainly cleared land. The proposed underboring of the Preferred Koala habitat within the northern extent of the proposed cable installation will therefore not impact this habitat, with the underbore points located outside of the Preferred Koala Habitat. A number of recommendations including the retention of Preferred Koala Habitat wherever possible. Taking the recommendations into consideration it is less likely that the proposal will disrupt the life cycle of the Koala such that local extinction would occur.”

The Assessment in section 7.0 CONSIDERATIONS UNDER SECTION 7.3 OF THE BC ACT 2016 uses similar wording in response to consideration a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.....Taking the recommendations into consideration it is less likely that the proposal will disrupt the life cycle of the Koala such that local extinction would occur. EAR p56.

**KKEPS submits that the proponent must accept the Wildthing recommendations to minimise and mitigate direct and potential impact to the biodiversity value on this site.**

### **RU2 zoning and permitted uses**

KKEPS submits that this project does not match the main RU2 zoning objectives of primary industry production and maintaining the rural landscape. KKEPs is aware that local residents through the Voices of Wallalong and Woodville (VOWW) object on these grounds to this proposal, questioning the validity of the power generation being inaccurately matched with the power storage purpose of this proposal. The Port Stephens LEP has not yet been updated to include Power Storage as a permitted use, although this is falsely claimed in the bushfire report “The proposal is for a Battery Energy Storage System .... Under the Port Stephens Local Environmental Plan,

electricity generating works means a building or place used for the purpose of— (a) making or generating electricity, or (b) electricity storage. Electricity storage is not yet approved in the PS LEP.

The proponent is using both sides of this argument, stating that power storage is a permitted use under the SEPP for Transport and Infrastructure, and conveniently claiming because it is not generating electricity, it does not need to prepare an EIS.

KKEPS is also aware of another nearby proposal by the same company at **994 Clarence Town Rd, Seaham**, which we have also lodged an objection to on environmental grounds, due to the disruption and lack of consideration given to the koala corridor.

VOWW have informed KKEPS that the RES BESS project at **1156 Clarence Town Rd**, right next door to this proposal for 5 BESS is much larger, but that the proponents have been appropriately in contact with the community. Appropriately too, it is listed on the NSW planning portal as a State Significant Development SSD-42216380 and noted as preparing an EIS.

All these projects are within a very close proximity and will have a cumulative impact on the rural nature of the surroundings. They should be assessed through a similar and appropriate process.

Further, we note that KKEPS did not raise any objection to the BESS proposed at **103 Cabbage Tree Rd, Williamtown**. KKEPS found that this cleared, PFAS contaminated land, near the airport, is appropriate for BESS.

Whatever the claimant claims at this stage of their application, this project requires approval. The proponent claims 5 different DAs all of approximately \$5 million dollars, and admits that the overall cost is that of a Regional Significant Development, but asks Council to consider them separately, when substantially they are the same project as borne out by the similarity of the reports prepared.

**KKEPS submits that it is not appropriate to approve the 5 DAs at the rear of 1154 Clarence Town Rd, Seaham. KKEPS suggests that Council should refer the application to the appropriate higher authority.**

### **Project justification**

**KKEPS submits that the Project justification is flawed**, including that “The subject site has an ideal location” and “provides the local area with a source of renewable energy” p33 SEE.

The site being within Preferred Koala Habitat is not an ideal location for this project.

The project will not supply the local area, but merely the electricity grid with battery power, when there is a larger project next door being proposed, this smaller one may not be required at all.

### **Conclusion**

**While KKEPS supports the move towards clean green energy, it is opposed to the location of this proposal.**

**KKEPS submits that insufficient consideration has been provided to ensure the protection and conservation of matters of environmental significance, and that through the impact of clearing and the underboring process the survival of the Preferred Koala Habitat is questionable; not as it is assumed in the SEE that the project will “not impact this habitat”.**

**Not only will the project have an unacceptable impact on biodiversity, but there are concerns about the fire risk of the batteries, the siting of the BESS on the block, and**

**unacceptable impact on neighbours and the rural landscape, as well as the proposal having been submitted cut into 5 separate DAs being administratively cumbersome.**

**KKEPS concludes that Port Stephens Council is respectfully requested NOT to grant consent to these 5 development applications, even with conditions, but to refer the project as a whole for consideration by the appropriate authority.**

Yours sincerely,

Carmel Northwood

Convenor

10/10/2023