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Port Stephens Council
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Objection: DAs 2023-382, 383, 384, 385 & 386 - Battery Energy Storage System (BESS) and associated shed structures, 1154 Clarence Town Road, Seaham

While 2 of these DAs have a submission deadline of 6 October and the other 3 of 10 October, Council has indicated that it will accept joint submissions on all 5 by 10 October

About EcoNetwork

EcoNetwork Port Stephens is a not-for-profit 100% volunteer-run conservation and advocacy organisation, dedicated to promoting sustainability in our local communities and to protecting the natural environment in our biodiverse Port Stephens region www.econetworkps.org/

Our membership includes about 30 affiliated local community groups and businesses, as well as individual members, throughout Port Stephens LGA (and some beyond). We work in partnership with our affiliates and other organisations to advocate for our region's biodiversity and environmental quality.

Related DAs for Battery Energy Storage Systems (BESS)

We understand that these five separate DAs for BESS on the same site form part of an overall 'hive' of BESS installations in the Lower Hunter valley, 7 of which are proposed for sites in the Port Stephens LGA. One of the other two is the proposal for 994 Clarencetown Road (DA 16-2023-338-1) to which we objected in a submission dated 8 August. We objected on grounds of excessive tree clearing and noise concerns.

The other site is at 103 Cabbage Tree Road, Williamtown. We have not made a submission on that BESS (DA 2023-470) as it is proposed for cleared land and has few neighbouring residences likely to be adversely affected by noise. It would seem to be a good land use for PFAS contaminated land at Williamtown.

While there have been separate opportunities for public comment on each of the BESS DAs lodged by HDB Consulting, we remain concerned that the community is understandably confused by the multiple applications, particularly these 5 for immediately adjacent sites on the same land parcel. . Confusion is compounded by the fact that much of the documentation appears to relate to the entire project on this site, rather than to the individual 5MW battery installations, although there are significant but unexplained differences between the equivalent documents for the different (but adjacent) sites.

Confusion is also compounded by a separate proposal by RES Australia for the much larger Brandy Hill Energy Storage project at a nearby site at 1156 Clarendon Road, which is currently going through the planning process as a State Significant Development (SSD-42216380) being handled by the Department of Planning.

We are not aware of any ownership or operational links between the 140MW RES Australia project and the multiple small (5MW) BESS installations proposed by HDB Consulting on behalf of Hive Battery Developments Pty Ltd.

The community is however understandably concerned about potential cumulative impact on the local area of these multiple BESS installations, and also very interested in comparing the impact assessment and mitigation proposals by the different proponents, with the hope of ensuring 'best practice' and maximum knowledge to inform consent decisions.

Consent authority

The applicant is requesting that the Joint Regional Planning Panel should delegate consent authority to Port Stephens Council. We object to this, as we feel the potential cumulative impacts of multiple BESS projects justify the wider strategic view that a JRPP decision will provide. It will also remove any perception of conflict of interest, given Port Stephens Council's known policy of encouraging diversified economic development in the rural west of the LGA.

Need for battery storage

EcoNetwork Port Stephens is very supportive of renewable energy projects wherever they can be sited with acceptable environmental impacts. We acknowledge the urgency of making a transition to a clean energy future and the phasing out of fossil fuel use. Battery storage will be an important part of the necessary infrastructure to support intermittent renewable generation and a more distributed transmission grid.

Land use

We understand that the intention of the 'hive' concept is to lease small areas of underutilised farmland from local farmers, thus minimising the impact while providing a potential income for farmers. We submit however that minimal

impact cannot involve clearing well forested areas which provide habitat for koalas and other native wildlife.

We understand that the *SEPP (Transport and Infrastructure) 2021* overrides the PS LEP such that '*electricity generating works*' (which include storage), are permitted with consent on RU 2 land.

We do not however see this as automatically overriding the requirement to meet the zone objectives which in this case (RU2) include '*to maintain the rural landscape character of the land*' (PS LEP 2013)

There is a legitimate community concern that rural areas should not be excessively 'industrialised' – significantly changing their character in a way that would clearly not meet the zone objective.

We submit that assessment of the proposal against this objective will take particular account of proposed landscaping. Adequate landscaping could not only help to achieve the zone objective but also address noise concerns. We would have expected that more than the proposed single row of trees (as indicated in the Landscape Plan) would be needed to achieve both objectives.

Ecological impact

The ecological assessment by Wildthing appears to relate to all five DAs on the 1154 Clarencetown Road site. It concludes that:

'the proposal will result in a small incremental reduction of PCT 3433, the EEC Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and known habitat for three threatened species; Phascolarctos cinereus (Koala), and Miniopterus australis (Little Bentwing Bat). Given the mitigation measures the proposal is unlikely to disrupt the life cycle of any addressed threatened species, endangered population or endangered ecological community such that local extinction would occur.'

We submit that threat of local extinction is not the appropriate criterion for judging whether the ecological impact is acceptable. The loss of up to 36 trees needs to be considered in the context of other development pressures and progressive habitat loss in the wider Seaham area.

We defer to our colleagues in the Koala Coalition EcoNetwork Port Stephens (KKEPS) for a more detailed critique of the ecological impact material provided. Their submission suggests the need for more detailed studies to inform any decision.

Noise

The potential impact of noise from the BESS installations is clearly a major concern to neighbours and local residents. We are not in a position to assess the noise impact but would expect Council to independently verify the claims

made in the SoEE and supporting reports, and question whether sufficient information has been provided, and sufficient mitigation proposed.

Conclusion

We are not objecting in principle to these DAs, but we have to formally submit as an Objection to ensure that our concerns are adequately addressed and that our submission 'counts' towards any threshold that may trigger different planning processes (such as a public meeting or hearing).

We have no objection to this submission being made public, in full and unredacted.

On behalf of the Executive Committee, EcoNetwork Port Stephens

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