

13 December 2023

Department of Planning & Environment  
Locked Bag 2022  
Parramatta NSW 21240

**APPLICATION NO:** SSD-57107216 (Our Ref. 25-2023-9-1)

**PROPOSAL:** Tomago Battery Energy Storage System

**PROPERTY:** 1902 and 1940 Pacific Highway, Tomago (Lot 2 and 3 DP 1043561)

Attention: Nestor Tsambos

Thank you for your correspondence dated 15 November 2023 requesting Council's comments for the above development. Council has given consideration to the likely impacts of the proposal and makes the following comments.

### **Access**

The following regarding site access and traffic impacts are noted:

- The access driveway to the site will should be constructed in accordance with Council requirements and Austroads guidelines.
- Consultation should be undertaken with Transport for NSW to ensure the M1 Motorway works do not impact on the proposed development and that it align with the reports and modelling assumptions.

### **Drainage**

The following regarding drainage is noted:

- The report has identified that the proposal will result in drainage impacts to the northern and south-eastern catchment. Some of the impacts are; increased surface water runoff, changes to flow rates and volumes entering downstream drainage system and scouring/ erosion of natural waterways. The report does not determine how these issues are to be addressed. In addressing these issues, the following should be taken into consideration:
  - Lack of capacity of the channel (south-eastern drainage channel which runs from southern boundary of the proposed planning property to Tomago Road) resulting overland flooding on nearby streets and the industrial properties next to the channel.
  - South-eastern channel north of Kennington Drive does not have any easement to discharge concentrated water from the proposed planning area. Further, this channel runs through private properties and increasing the flows will exacerbate flooding issues on these properties.

- The report has indicated that part of the northern catchment would be re-directed to south-eastern catchment (roughly about 1.8ha) as part of this development. This would further increase the flooding issues for properties located on Kennington Drive and those further downstream.
- There appears to have been no drainage and flood modelling carried out for the proposal to identify the existing issues, to determine the impact of the development on downstream properties, and rectify the overall impact of the development on the downstream channel, downstream properties and roads and drainage infrastructure.
- The report indicates that a detailed Surface Water Management Plan would be prepared as part of the Operational Environmental management Plan. But it does not indicate how all stormwater from the site will be conveyed and how to control post development flows and volume to reduce the flooding problems on downstream properties, legal discharge point for the stormwater discharge etc (currently, there is no legal discharge point for south –eastern catchment), the size of the detention system, bio-retention system (off-line to detention basin), area allocated for these infrastructure. A stormwater strategy report should be developed to identify the issues and determine the size of the detention basin.

## **Flooding**

The following regarding flooding is noted:

- This development is considered to be critical infrastructure and therefore, the PMF event should be considered in the design. A small portion of the land would be required to be filled to meet PMF flood level. Reduction of storage as a result of the fill and its impact is not considered likely to result in adverse impacts.

## **Sewer Servicing**

The EIS indicates that the proposal will be supported by an on-site sewerage management system (OSMS). The documentation provided does not appear to indicate the location or type of the OSMS proposed. As noted in the Council comments from the SEARs application, a Wastewater Management Report should be prepared by a suitably qualified wastewater or environmental consultant in accordance with PSC Onsite wastewater Development Assessment Framework (DAF) requirements for high hazards sites.

## **Noise**

A noise and vibration assessment has been prepared by AECOM Australia Pty Ltd dated 03 October 2023. The report provides assessment of both operational and construction noise and vibration. Consideration has been given to the nearest sensitive receivers for noise and vibration. With the exception of the neighbouring industrial interface on the southern and south eastern boundary. Based on the information provided it is anticipated that operational noise will comply with relevant noise criteria.

Notwithstanding, it is recommended that a Construction Noise and Vibration Management Plan which includes a complaints procedure and register be adopted during construction works.

### **Battery Design**

Limited detail has been provided regarding the design and construction of the batteries. If the batteries require a form of liquid cooling additional detail may be required as to the type of liquid cooling system in place and if the cooling system triggers any requirements under the Public Health Act 2010 and Public Regulation 2022 Legionella Control.

### **Development Contributions**

The Port Stephens Local Infrastructure Contributions Plan applies to this type of use. This type of development is not subject to contributions under S7.11. There is no exemption under a Ministerial Direction and therefore contributions under S7.12 do apply.

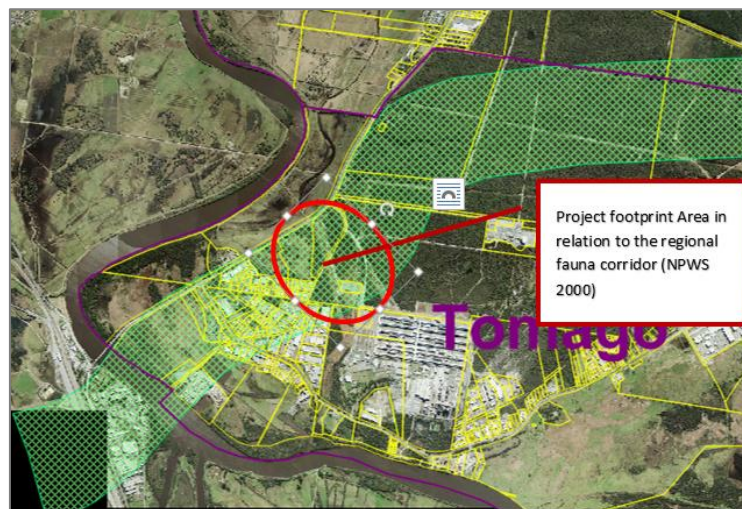
Council therefore requests any determination include a condition for the payment of contributions to Council in accordance with the Port Stephens Local Infrastructure Contribution Plan. It is also requested Council be consulted prior to the imposition (or exclusion of) any contributions conditions that impact local infrastructure.

### **Ecology**

Council's Natural Systems team previously assessed the site for the Newcastle Gas Fired Power Plant, the proposed development offers a reduced impact area with limited potential indirect impacts. The following items are noted:

#### Connectivity

The proposal is located within an identified regionally significant fauna habitat corridor as per the figure below (NPWS, 2000). The mapping identifies a significant fauna habitat corridor through the site. The proposal has the potential to impact on the value of this corridor for arboreal mammals. It is recommended that fauna connectivity structures for threatened arboreal mammals (such as rope bridges and glider poles) be installed to help maintain and improve connectivity across the site, particularly across the existing gas pipeline corridors between the proposed storage facility and the Newcastle Gas Storage Facility in the area identified on the figure below.



## Survey

Any ecological survey data collected outside of the 5 year validity period is considered invalid under a current assessment. Therefore, any ecological targeted survey effort undertaken prior to 2018 is unable to be attributed to the BDAR's survey effort, if this applies to any of the survey effort relied on by the BDAR, additional survey effort may be required.

## Fauna

The survey particulars for the following species do not appear to meet survey guidelines and requirements as detailed in the SEARs. Clarification on survey effort and justification for any divergences from survey guidelines is required for the following species (please note that where minimum survey effort has not been achieved, species should be assumed present):

- Large Forest Owls hollow bearing tree stag watching for Powerful Owl, Masked Owl, Barking Owl – Only 4 hollow bearing trees were stag watched during surveys, whereas the project will remove 14 suitable hollow bearing trees. It is expected that all hollow bearing trees with suitable breeding habitat for these species are stag watched within and within a 100m buffer of the project footprint.
- Brush-tailed Phascogale does not meet the minimum survey requirements of the TBDC and BAM guidelines, and requires additional camera trapping or presence is to be assumed.
- Threatened Amphibians requires supporting meteorological data to identify whether the minimum pre-survey rainfall requirements have been met for Wallum Froglet as per the NSW Survey Guide for Threatened Frogs (2020).

## Flora

- The threatened orchid species *Diuris praecox*, *Diuris arenaria* and *Corybas dowlingii* were considered as a candidate species in the previous BDAR for the gas fired power station (Kleinfelder, 2019). However, these species have not been considered as a candidate species under the current assessment. Multiple records of these species occur in the locality and suitable habitat for is considered to occurs on site. These species should be added to the BDAR for consideration.
- It is not apparent from the information provided in the Biodiversity Development Assessment Report (Kleinfelder, 2019 or Biosis, 2023) that reference populations or consultation with DPIE was used to determine suitable habitat or survey times for cryptic flora species. Surveys must be designed to optimise detectability in accordance with Section 3.2 of the NSW Guide to Surveying Threatened Plants. Following is a summary of the actual and recommended survey times :
  - The Newcastle Power Station BDAR (Kleinfelder 2019) identified *Corybas dowlingii* as a candidate species but conducted surveys during a time not appropriate to detect the species (14 – 24th August 2018). Surveys are required to be undertaken June – July or assumed present.



- The Newcastle Power Station BDAR (Kleinfelder 2019) identified both *Diuris arenaria* and *Diuris praecox* and as a candidate species, with targeted surveys undertaken in both September and August 2018. The current BDAR (Biosis 2023) has not identified either species as a candidate species, undertaken any additional surveys or assumed presence for either species. Targeted surveys are required or presence assumed. Additionally: the Newcastle Power Station BDAR (Kleinfelder, 2019) did not identify that any targeted surveys for orchids were undertaken within PCT 1590: Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest – Low Condition, which is considered to provide potential habitat for threatened orchids (*Diuris praecox* and *Pterostylis chaetophora*). Clarification is required confirming whether compliant targeted surveys for threatened orchids have been undertaken within the Newcastle Power Station footprint (zone 3). If targeted survey has not occurred it is recommended that either targeted survey is undertaken or appropriate detailed justification be provided on why targeted survey was not conducted and the species assumed present.

#### Mitigation

- The Biodiversity Development Assessment Report (Biosis, 2023) does not include an assessment of the impacts of the proposal in accordance with the performance criteria in Appendix 4 of the Port Stephen Council Comprehensive Koala Plan of Management (CKPoM). Koalas of the Port Stephens LGA are under threat due to habitat loss, fire, vehicle strike etc. and are important to the Port Stephens Community. Council encourages the prioritisation of securing locally sourced offsets for Koala habitat within the Port Stephens LGA to help ensure any impacts on the loss of koala habitat within the locality are appropriately mitigated.
- Any mitigative project fencing must be appropriate for the target species and consider fauna movement, particularly in maintaining biodiversity connectivity at key points where possible or excluding species from high risk areas.

Thank you for the opportunity to comment on the SSD for the Tomago Battery Energy Storage System Project. If you wish to discuss the matters raised above or have any questions, please contact me on the number or email below.

Yours Faithfully



**Courtney Sargent**  
**Senior Development Planner**

#### **Port Stephens Council**

Phone: 4988 0263

Email: [Courtney.sargent@portstephens.nsw.gov.au](mailto:Courtney.sargent@portstephens.nsw.gov.au)

Web: [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

