

Planning & Development/ DJaeger  
Reference: SDC2024/0012  
Phone:02 4974 2768

27 June 2025

Rita Hatem  
Energy Assessments  
**Department of Planning, Housing and Infrastructure**

Reply by portal: Major Projects Portal

Dear Rita

<b>Development Application No:</b>	DPHI Ref: SSD 77450458 (CN Ref SDC2025/0012)
<b>Land:</b>	Lot 16 DP 270249
<b>Property Address:</b>	1 McIntosh Drive Mayfield West
<b>Proposed Development:</b>	Battery Energy Storage System (BESS)

I refer to the Department of Planning, Housing and Infrastructure's (Department) notification of 2 June 2025, via the Major Project Portal, advising the exhibition of the development for the erection of a 200MW/400MWh battery energy storage system (BESS) and grid connection on land known as 1 McIntosh Drive, Mayfield West. The Department has requested City of Newcastle (CN) provide advice on the proposal and any draft schedule of consent conditions (see Attachment A).

Thank you for engaging with CN and providing the opportunity to comment on the above proposed development. The exhibited Environmental Impact Statement and other supporting documents have been reviewed. The following advice and draft conditions are provided for your consideration:

## **1. Sustainability & Climate Change**

CN are supportive of large-scale battery projects in our region, and this is shown within in our adopted policies of the Climate Action Plan 2021-2025 which supports residents, business and industry in transitioning to low emissions technologies, including development of solar gardens, virtual microgrids, community renewable energy and battery storage initiatives (section 5.5).

Large-scale battery projects in Newcastle can enhance grid stability and reliability by storing surplus renewable energy and discharging it when needed, which in turn reduces electricity costs and boosts local energy resilience. These projects also can improve integration of renewable energy sources by absorbing excess solar. Overall, this will benefit our community and our climate.

## **2. Landscaping- Visual Impact**

The submitted visual impact assessment has been reviewed but the application does not appear to include elevations to each boundary of the proposed development. It is expected the overall final height of the proposal is relatively low and any visual impact could be limited

by providing a landscape buffer at the eastern and southern elevations (i.e. minimum 3 metres wide). It is recommended a condition be included addressing this landscaping as attached.

### **3. Flood Management**

Flood information certificate FL2024/00250 was issued for this site. According to information provided in the Newcastle City-wide Floodplain Risk Management Study and Plan (BMT WBM 2012) and Throsby, Styx & Cottage Creek Flood Study (Rhelm, 2023), the allotment is affected by Riverine Flooding during the Probable Maximum Flood (PMF) event.

A site-specific flood study was undertaken by GHD to identify development impacts on local catchment flooding in the area. The demonstrated flood impacts of the proposed development are minor and can be accepted.

Conditions are recommended requiring the development to respond to any flood risks to property and life identified in the site-specific modelling of local catchment flooding.

### **4. Stormwater Management**

The details do not include a concept stormwater management plan. The Water Impact Assessment (WIA) indicates the development will construct an additional 1.1 hectares of impervious area over the site draining approximately 50/50 to the south-east and north-west corners of the BESS site. The north-west outlet drains towards "PopPop Lake," a detention basin in the Steel River subdivision. The south-east outlet will connect to street drainage in Tourle Street.

The WIA describes a concept treatment train consisting of eight stormwater pit GPT inserts and two end-of-system treatment devices which was verified in MUSIC to achieve stormwater quality targets set out in Section C4 '*Stormwater.*' Detention or discharge control are not addressed in the report. It does not appear any measures were proposed to control site discharge.

The proposed discharge of development stormwater to the north-west corner towards "PopPop Lake" can be accepted as it appears the downstream drainage line crossing are appropriately sized. However, digitised documentation for the original Steel River approval DA1999/2807 is limited, so it is unclear whether the detention basin was sized to manage uncontrolled flows from future development at the Delta EMD site.

The development will therefore be required to provide sufficient on-site detention to mitigate post-development stormwater discharge to match pre-development (natural site) levels. Conditions requiring detailed stormwater management plans addressing Council's requirements to be prepared prior to the issue of a Construction Certificate are recommended.

### **5. Vehicle Access, Parking and Manoeuvring Management**

The development proposal included a Traffic Impact Assessment (TIA) report prepared by Amber. The recommendations of the TIA are generally supported. Conditions are recommended.

### **6. Contaminated Land**

Robert Carr & Associates (RCA) have carried out a detailed contamination assessment for the BESS project on the eastern portion of the subject site (1 McIntosh Drive). The RCA report indicates the site is suitable for the proposed use without further assessment or remediation.

## **7. Acoustic Impacts**

AECOM undertook a construction and operational Noise Impact Assessment for the proposed BESS where nearby noise sensitive receivers were identified. Operational noise from the site was modelled and compared against established project noise trigger levels. This showed the operation of the BESS complies with the established project noise trigger levels at all noise sensitive receivers, and commercial/industrial receivers.

An Environmental Management Plan (EMP), including Construction Noise Management Plan, was recommended to be developed for the Project and implemented prior to commencement of construction activities.

Based on the above assessment and report recommendations, the proposal is acceptable subject to recommended conditions.

## **8. SEPP (Resilience and Hazards) - Hazardous and Offensive Development**

A Preliminary Hazard Analysis concludes the proposal is not potentially hazardous in the context of Dangerous Goods requirements assessed under the SEPP (Resilience and Hazards) 2021. The layout meets the requirements of codes, standards and original equipment manufacturer recommendations to prevent fire propagation and a hazard identification and consequence analysis found that there are no potential events with significant off-site consequences, and societal risk is negligible.

Based on the above assessment and report recommendations, the proposal is acceptable subject to conditions.

## **9. Contributions**

The Benefit Sharing Guideline (November 2024) prepared by the Department provides a policy position for large scale BESS. It proposes how benefit sharing should be incorporated into State Significant Development for BESS.

The Guideline advises a BESS *"would be subject to standard Council rates and contributions based on land use zoning and any relevant impacts on local infrastructure and services."*

CN previously requested a cost summary report is submitted with the Environmental Impact Statement (EIS) to confirm the cost of development for the purposes of calculating a monetary contribution. The EIS does not include a cost summary report.

Appendix N Estimated Development Cost advises the estimated development cost (EDC) is \$208 million. However, in accordance with Section 6 and 251 of *Environmental Planning and Assessment (EP&A) Regulation 2021*, the EDC is used to calculate the fees payable in Schedule 4 of the EP&A Regulation 2021. The information provided in Appendix N cannot be used to calculate the monetary contribution.

Based on the information provided, it is recommended the applicant submit a detailed cost report for the purposes of calculating a monetary contribution in accordance with section 208 of EP&A Regulation 2021.

It is further recommended the full 1% levy is applied to the development and it is requested that should the application be approved that s.7.12 contribution conditions are imposed on any determination issued.

## **Conclusion**

Thank you for the opportunity to review this application. It is requested the above matters and recommended conditions within Attachment A be considered and addressed by the application and by the consent authority to ensure the development appropriately responds to each matter and makes a positive contribution to the City.

If you have any questions in relation to the various matters considered in this letter, please contact me on 4974 2768 or by email on [djaeger@ncc.gov.au](mailto:djaeger@ncc.gov.au) .

Yours faithfully

**Damian Jaeger**  
**PRINCIPAL DEVELOPMENT OFFICER (PLANNING)**

## GENERAL CONDITIONS

### Condition

#### 1. Approved plans and documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Approved documents			
Document title	Version number	Prepared by	Date of document
Detailed Site Contamination Assessment	Ref 17466-201/1	RCA Australia	March 2025
Preliminary Hazard Analysis	21867-RP-001 Rev 1	Sherpa Consulting	20/3/25
Biodiversity Development Assessment Report	12866	Wildthing Environmental Consultants	24/3/25
Traffic Impact Assessment	1079 rep 250320 final	Amber	20/3/25
Noise Impact Assessment	60728165-RPNV-01_E	AECOM	28/3/25

In the event of any inconsistency between conditions of this development consent and plans/supporting documents referred to above, the conditions of this development consent prevail.

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

#### 2. Development contributions – 7.12 general

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$[INSERT FIGURE - which is full 1% of the estimated development cost based on a formal cost report] shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

- (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
  - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - (ii) prior to the issue of the first Construction Certificate where the development is for building work.
  - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

## **BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition

### **3. Construction Management Plan**

Before the release of the first Construction Certificate for the development (i.e., whether for part or whole of a building, a Construction Management Plan (CMP) must be prepared to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. The CMP is to include but not be limited to:

- (a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- (b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- (c) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
- (d) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- (e) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- (f) A contaminated management strategy which addressed the handling and disposal of potential asbestos material during intrusive earthworks onsite to protect human health and the environment.
- (g) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- (h) A community relations plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.

The CMP must be submitted to the satisfaction of the Principal Certifying Authority and form part of the documentation for the first Construction Certificate (whether for all or part of the building).

Condition reason: To enable construction.

### **4. Erosion and sediment control measures**

Before the issue of a construction certificate, details are to be provided demonstrating

the erosion and sediment control measures that are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted with the construction certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to require details of erosion and sediment control measures.

**5. Landscape plans and specifications**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a comprehensive landscape plan and specification is to be submitted including the provision of landscape setbacks, from the eastern and southern boundaries at least three metres wide, which provides for species of a sufficient height and nature that densely screens the proposed development. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2023 and is to include details of the following:

- (a) cross sections through the site
- (b) proposed contours or spot levels
- (c) botanical names
- (d) quantities and container size of all proposed trees
- (e) shrubs and ground cover
- (f) details of proposed soil preparation
- (g) mulching and staking
- (h) treatment of external surfaces and retaining walls where proposed
- (i) drainage, location of taps and
- (j) maintenance periods.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for the construction certificate application.

Condition reason: To ensure that adequate landscaping and visual impact screening is provided for the site.

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**BEFORE BUILDING WORK COMMENCES**

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Condition

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**6. Car parking requirements**

On-site parking accommodation is to be provided at a rate of 1 car space for each permanent staff and shall meet the minimum parking layout standards for Class 1A parking as indicated in AS/NZS 2890.1:2004. Details are to be included in development plans to be submitted to the Certifier prior to the commencement of construction.

**7. On-site construction parking requirements**

Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site (or alternative off-site arrangement for workers), including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public streets or public parking facilities. Details are to be included in a Construction Parking Management Plan to be submitted to the Certifier and forwarded

to Council for information.

## **8. Car park design**

Prior to the commencement of construction, the Applicant must demonstrate to the Certifier that the design of car parking and vehicular access facilities complies with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

## **9. Stormwater management details**

Prior to the commencement of construction, the Applicant must submit to the Certifier a Water Cycle Management Plan (WCMP) prepared by a suitably qualified engineer demonstrating stormwater runoff from the proposed development will be managed in accordance with the requirements of Element C4 'Stormwater' of Newcastle Development Control Plan (NDCP) 2023, the associated '*Stormwater and Water Efficiency for Development*' Technical Manual (SWEDTM) and the latest issue of AS 3500.3 as applicable. The SWMP shall address, but not be limited to, the following:

- (a) Provision of stormwater controls and adequate on-site stormwater detention to manage runoff from new impervious areas. Hydraulic modelling (DRAINS or equivalent) shall be provided to demonstrate peak runoff from the developed site for all events (up to the 1% AEP storm) is not greater than the natural drainage conditions of the site.
- (b) Details of water quality modelling in MUSIC demonstrating proposed stormwater controls meet NDCP targets for water quality.
- (c) Identification of existing stormwater infrastructure in the subject site including any overland flow paths designed to convey major storm runoff.

Full details are to be provided to the Certifier prior to the commencement of construction.

## **10. Roads Act Approval**

A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, prior to the commencement of construction.

## **11. Water Impact Assessment - flood risk management measures**

Prior to the commencement of construction, the Water Impact Assessment prepared by GHD (proj. no. 12651400, rv. 1, dated 30/04/2025) shall be expanded to include development-specific recommendations to manage flood risks to property and life associated with modelled local catchment flooding across the site. These recommendations should include, but not be limited to:

- (a) A flood planning level (where applicable).
- (b) Measures for managing flood risks to life for operational personal.
- (c) Measures to be included in a flood emergency response plan.
- (d) Where on-site flood refuge is required, appropriate design recommendations



responding to Department of Planning, Housing and Infrastructure's *Shelter-in-place for guideline for flash flooding*.

The updated Water Impact Assessment, along with development plans incorporating recommended flood risk management measures, are to be provided to the Certifier prior to the commencement of construction.

## 12. Flood emergency response plan

A flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- likely flood behaviour;
- flood warning systems;
- education awareness program;
- evacuation and evasion procedures;
- evacuation routes and flood refuges; and
- flood preparedness and awareness procedures for residents and visitors.

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Details are to be submitted to the Certifier prior to the commencement of construction.

## 13. Traffic management (construction) plan

Before site work and/or building work commences, the developer is to submit to the Newcastle City Council, for approval, a Construction Traffic Management Plan, addressing:

- (a) Traffic control measures to be implemented in the public road reserve during the construction phase.
- (b) Proposed heavy vehicle routes and schedule.
- (c) Provision of on-site parking facilities or other travel arrangements for construction workers to minimise demand for parking in nearby public parking facilities.
- (d) Proposed plan to address any complaints and conflicts with neighbouring properties arising from construction work.

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### DURING BUILDING WORK

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Condition

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#### **14. Oversized / overmass vehicles**

The following requirements shall be observed in the transportation of materials/plant/components via oversized/overmass (OSOM) vehicles:

- (a) The applicant is to obtain the concurrence and necessary permits from the NSW Police Force, Transport for NSW, NHVR, and Energy Australia.
- (b) A Road Occupancy Permit (ROP) is required from Council if Traffic Control Plans are to be implemented in Council's local roads.
- (c) Compliance with all requirements of the WorkCover New South Wales.
- (d) OSOM vehicles accessing Council roads shall operate at GML loading.
- (e) Adjustment to and/or repair of damage to any public utility services, signposts or traffic control signals or other installations in the road occasioned by the house removal being the responsibility of the applicant. All repairs are to be carried out to the requirements of the relevant Authority at no cost to Council.
- (f) Any damage to Council's pavements, kerb and gutter, footpaving or other improvements shall be restored to the requirements of the Director of City Infrastructure at no cost to Council.
- (g) Any directive from the NSW Police Force or Council's Supervisor is to be promptly obeyed.
- (h) Any additional costs (eg labour and/or plant) incurred by Council are to be met by the Applicant.
- (i) The contractor shall undertake the whole risk of carrying out the contract and shall hold the Council indemnified against any claims arising out of damage or injury to property of persons in the course of the contract, including claims made by employees of the contractor and of the Council, for which purposes the contractor shall at his own expense insure and keep all policies of insurance during the period of hire:
  - i. Against any injury to any third party or parties or damage to any property whatsoever caused by the use of the plant when driven or operated by the contractor or his employee or caused by any person driving or operating such plant whether employed by the contractor or not. Such policy or insurance shall be in the sum of at least \$10,000,000.
  - ii. All policies of insurance referred to in this clause shall be endorsed for cross liability and shall register Council as having co-insured interest. Additionally all policies shall include a clause requiring the insurer to notify Council of any notice or advice received to terminate or amend the policy. A Certificate of Currency from the insurance underwriters is to be submitted to Council's Group Manager, Strategic Planning & Development prior to any work commencing.
- (j) Council being given a minimum of two days' notice by contacting Council's Road Maintenance Manager (telephone +612 4974 2265) to enable a joint inspection to be undertaken of the proposed route and the supervision of the work.
- (k) Compliance with the load weight regulations made for the purposes of Section 108 of the Roads Act, 1993.
- (l) Temporary protective crossings being provided over any part of the footway being crossed by the vehicle.

#### **15. Limits on noise**

During building/demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

- ☐ Monday to Friday, 7:00 am to 6:00 pm and
- ☐ Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

Condition reason: to protect the residential amenity of neighbours.

#### 16. **Containing waste**

During site work and/or building work, and at a minimum, the following measures are to be implemented:

- (a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
- (b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- (c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- (d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**Note:** Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

Condition reason: to require waste management on site.

#### 17. **Imported fill material**

During site work and/or building work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: to ensure compliance with State Guidelines.

#### 18. **Handling excavated waste**

During site work and/or building work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) '*Waste Classification Guidelines Part 1: Classifying Waste*'.

Condition reason: to ensure compliance with State Guidelines.

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### **OCCUPATION AND ONGOING USE**

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Condition

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19. The noise control recommendations in the Noise Impact Assessment prepared by AECOM (Project ID. 60728165-RPNV-01\_E) dated 28 March 2025 are to be implemented.

Condition reason: To ensure appropriate acoustic measures are implemented.