



22 September 2025

Miranda Bettes
Regional Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street, Parramatta,
NSW 2150
Locked Bag 5022, Parramatta, NSW, 2124

Dear Madam,

Proposal: Construction, operation and decommissioning of a Battery Energy Storage System with a capacity of approximately 150 MW / 300 MWh, and ancillary in infrastructure
Property: 14 Apprentice Drive, Berkeley Vale
Application: SSD - 9257210

I refer to your letter of 2 September 2025 and your email dated 5 September 2025 granting a time extension until 23 September 2025 for Council to review and provide an online submission regarding the proposed construction, operation and decommissioning of a Battery Energy Storage System with a capacity of approximately 150 MW / 300 MWh, and ancillary in infrastructure

Council provides the following in relation to the proposed development on the subject development site:

Planning

- The proposed development is to comply with the relevant provisions of the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021, SEPP (Biodiversity) 2021 and the Central Coast Local Environmental Plan 2022 and the Central Coast Development Control Plan 2022 that are relevant to this proposal. Any proposed variations are to be suitably justified.

Engineering

Roads, Access and Traffic

- Lot 60, DP 262025 currently has vehicle access available via the Apprentice Drive Road frontage. The applicant is proposing to gain access via a new access arrangement from the Enterprise Drive frontage.



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- Enterprise Drive is a regional distributor/collector road (Category A) with high traffic volumes (approx. 14,000vpd) . Supporting documentation such as a Traffic Impact Assessment Report undertaken by a suitable qualified and experienced traffic engineering consultant shall be undertaken if access is to be pursued off the Enterprise Drive frontage.
- Swept path overlays (including unobstructed clearances around the vehicle) will be required for all vehicles entering and exiting the site. In particular, these swept paths shall demonstrate compliance for the largest design vehicle to enter and exit the development in a forward direction, anticipated to be a medium rigid vehicle (MRV).
- Carparking and driveway locations are to be identified on the plans and shall be provided in accordance with AS2890.
- A road safety audit report shall be undertaken to support any new vehicle access/intersections proposed from the Enterprise Drive frontage.
- Council's preferred access location is via the existing Enterprise Drive/Hereford Street intersection. Suitable access is currently available via Apprentice Drive.
- If access is to be pursued off the Enterprise Drive frontage, a detailed analysis and assessment would be required, including sightlines, impact on through vehicles by any queuing vehicles especially heavy vehicles waiting to turn into the access, road safety audit of the proposed access, and swept path analysis for the largest vehicle that would gain access to the site, and compliance with Australian Standard AS2890.2.

Stormwater Runoff Management

- Stormwater runoff quantity and quality for the site shall be addressed.
- A Water Cycle Management Plan (WCMP) will be required to be prepared. It shall be undertaken by a suitably qualified and experienced civil/hydraulic engineering consultant for the management and treatment of runoff from hardstand areas in accordance with Council's DCP Chapter 3.1 – Civil Works Design Specification, AS/NZS 3500.3 Plumbing and drainage Part 3: Stormwater drainage (current version) and Australian Rainfall & Runoff 2019.
- Any assumptions used in the watercycle management plan must be clearly stated, including impervious fractions used for existing and post developed land use modelling.
- All stormwater drainage would need to be designed and constructed in accordance with Council's Civil Works Specification – Design Guidelines and standard drawings. This includes any stormwater that discharges to the surface and requires scour protection/energy dissipation prior to discharge.

- The overflow from any retention, detention and or rainwater tanks/s will need to be identified on the stormwater management plan, ensuring the overland flow paths will remain unobstructed to the point of discharge.

Bulk Earthworks

- Areas of cut and fill are to be identified and shown on the plans. Net import or export volumes shall also be provided.

Flooding

- The site is affected by flooding according to the Ourimbah Creek Floodplain Risk Management Study 2018.
- The site is marginally affected during the 1%AEP event with inundation reaching the southern end of the property. Flood depths during the 1%AEP event range from 0.7m to 1.2m.
- The site is significantly affected during the PMF event with a peak flood level of approximately 9.6m AHD at the southern end of the site. The PMF level is approximately 9.30m AHD at the northern end of the site. The PMF depth across the site ranges from 2.6m to 3.4m. The PMF Hazard Categorisation is H5 which is High Hazard.
- The proposed substation is a Critical or Sensitive Facility. As per CCDCP 2022 Ch3.1.4.1 Prescriptive Criteria, the applicant is required to engage the services of a suitably qualified Flood Specialist to complete a Performance Based Assessment. The Performance Based Assessment would be submitted to demonstrate the suitability of the development in terms of flood impact and flood risk. The substation is required to be designed such that it is resilient to flooding and would not result in an unacceptable risk to human life or property damage. The applicant is required to consider the flood inundation affecting the site during especially during the PMF event.
- The Performance Based Assessment would also be required to demonstrate compliance with cl.5.21 Flood Planning and CCLEP cl. 5.22 Special Flood Considerations of the CCLEP 2022

Water and Sewer

- Water and sewer are available to the site.
- There is an existing 300mm asbestos cement (AC) trunk water main along the southern boundary of the site. The applicant is required to locate and confirm the depth of this water main. If an access is approved on the southern boundary, a detail access design shall be submitted to Water Assessment Team for review and acceptance. No domestic connection will be allowed to the 300mm trunk water main.



- An 150mm AC water main is available along Apprentice Drive.
- An existing sewer connection point is available to the land from Apprentice Drive.
- The applicant will be required to submit a S305 application and obtain a S307 Certificate of the *Water Management Act 2000* prior to issue of any Occupation Certificate.

ECOLOGY

Site specific constraints and associated requirements:

- The extent of likely tree and vegetation removal and retention is unknown based on information submitted for the meeting. Council would encourage retention of native trees and vegetation on site, and for offsite impacts also to be avoided and minimised.
- Directly adjoining Council owned land to the west and south is zoned C3 Environmental Management, and further to the west is a Council Bushland Reserve with high ecological values zoned C2 Environmental Conservation.
- No "Ecological Assessment" is listed on the list of Technical Assessments in the PDA submissions. An Ecological Assessment Report or likely a Biodiversity Development Assessment Report (BDAR) would be required with the application to address the requirements of the NSW Biodiversity Conservation Act. Whether a BDAR is required will depend on what is specified in the SEARS (for an SSD) and/or whether the BOS is triggered by the area of clearing (refer to below sections for further detail BOS triggers). Any ecological assessment for the site would be expected at minimum to address the following likely constraints:
 - The threatened tree species *Melaleuca biconvexa* was reported to occur on site in the documents submitted for DA/1932/2006 (addition to existing substation) and the trees were required to be retained. This species is also known from adjoining land. Survey and assessment for this species will be required.
 - There are threatened fauna records from adjoining and nearby lands, including frogs, bats and birds. The report would need to identify any habitats present, such as hollow bearing trees or frog habitat and undertake any required survey. Some seasonal surveys are likely to be required, and this might require at least 12 months to complete all surveys.
 - Address whether any Threatened Ecological Communities are present on the site or have potential to be impacted, Councils mapping indicates vegetation on site is consistent with the Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Floodplain.

- Address all offsite biodiversity impacts, including any clearing required to connect into the network via new feeders or obtain access.
- Ecological Impacts will need to be avoided and minimised in accordance with the requirements of the *Biodiversity Conservation Act*.
- The site is within an area identified as a proximity area to a SEPP Coastal Wetland. As a result Clause 2.8 of State Environmental Planning Policy (Resilience and Hazards) 2021 - [Chapter 2 Coastal Management](#) will need to be addressed.
- The proposed development involves works within 40 metres of a watercourse and will require a controlled activity approval under the Water Management Act 2000. The application is to address the NSW DPE Water “Guidelines for riparian corridors on waterfront land”.
- An Arboricultural Impact Assessment including a Tree Removal and Retention Plan would be required. This report would also need to show any tree removal required for Bushfire Asset Protection Zones if required. The report must be prepared by an AQF5 qualified Arborist in accordance with AS 4970:2025 *Protection of Trees on Development Sites*.
- Existing vegetation on Council land adjoining Enterprise Drive should be retained, to minimise ecological and visual impacts.

General Ecological requirements for development applications are included below:

Ecological Assessment – *Biodiversity Conservation Act*

The proposed development will be assessed in accordance with the *Biodiversity Conservation Act 2016* (BC Act) and associated Biodiversity Conservation Regulation 2017 (BC Regulation).

On 7 March 2025, most provisions of the [Biodiversity Conservation Amendment \(Biodiversity Offsets Scheme\) Act 2024](#) commenced. There are aspects of the reforms with no transitional arrangements, including introduction of Section 6.3A regarding the avoid, minimise and offset hierarchy. Further information on the reforms can be found [here](#).

If the development triggers the Biodiversity Offsets Scheme (BOS), the planning application is required to be accompanied by a Biodiversity Development Assessment Report (BDAR) that has been prepared by an accredited person in accordance with the Biodiversity Assessment Method (BAM). The applicant would need to obtain consultant ecologist advice on whether a BDAR is required. Once the area of native vegetation clearing within the proposal footprint is considered, the proposed development will likely exceed the area clearing threshold specified under the BC Regulation and trigger entry to the Biodiversity Offsets Scheme (BOS). The property does not currently include any areas included on the Biodiversity Values Map, however this map is updated



approximately every 90 days and areas can be added to this map as part of updates, so the map should be checked again prior to lodging the application.

Further information on BOS triggers can be found on the NSW DPE website here: [When does the BOS apply](#).

The *"Reviewing Biodiversity Values Map and Threshold Tool area clearing threshold results; Guidance for proponents and local government"* (2023) outlines a procedure for assessing partially native vegetation in relation to the BOS threshold, including the quadrat field assessment method for groundcover in Appendix A. Areas of only groundcover comprising <15% native species can be considered exotic and can be excluded from the area clearing threshold in accordance with the Guideline, unless the vegetation is providing habitat or resources for threatened species in which case prescribed impacts must be assessed. Where composition varies over the subject area, vegetation must be stratified into different vegetation zones with plots undertaken in each vegetation zone. Justification for exclusion of any areas of vegetation from native vegetation extent considered in the BOS threshold calculations must be supported by sufficient data (as outlined in Step 4 of the Guidelines) and submitted for consideration by the consent authority in the Ecological Assessment.

A BDAR identifies:

- How the proponent proposes to avoid and minimise biodiversity impacts. Ecologists should be involved early in the project planning and development design processes so that impacts to biodiversity values are adequately avoided and minimised;
- Any potential impact that could be characterised as serious and irreversible (SAIL) according to specified principles; and
- The offset obligation required to offset the likely residual biodiversity impacts of the development or clearing proposal, after the steps taken to avoid or minimise those impacts, expressed in biodiversity credits.

In accordance with section 6.15(1) of the BC Act, the BDAR must be certified by an accredited assessor as complying with the BAM. A sample certification is included in the [NSW BDAR template](#). The BDAR must be submitted to the decision-maker within 14 days of certification and include a credit report with the status as "finalised". The date the assessor certifies (signs) the BDAR does not need to match the date on the finalised credit reports; however, to be considered valid, the BDAR must be submitted to the decision-maker within 14 days of the finalisation of the BAM-C. This ensures currency of assessment information in the BAR. Draft BDARs cannot be accepted under the legislation. Decision-makers must check each BDAR to ensure it meets the requirements for certification.

The BDAR must address how ecological impacts have been avoided and minimised as per the BAM. Further detail can also be found in Council's *Flora and Fauna Survey Guidelines 2019*.



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Council recommends assessors to use the [NSW BDAR template and associated Guideline](#) as a guide for producing BDARs, to ensure that all required information is included.

The BDAR must include figures showing the overlay of the development area on the vegetation mapping, in order to clearly identify the vegetation proposed to be cleared and that requiring offsetting. See for example Figure 3, Figure 12 and Figure 15 of the NSW BDAR template.

If it is determined by the consultant ecologist that the development does not trigger the BOS thresholds, an Ecological Assessment prepared in accordance with Council's *Flora and Fauna Survey Guidelines 2019* would still be required. This would need to include an accurate area of native clearing calculation and relevant Tests of Significance prepared in accordance with Section s.7.3 of the BC Act and the "NSW Threatened Species Test of Significance Guidelines".

The site adjoins areas of high biodiversity value. The development is to provide Urban Interface Areas consistent with CC DCP Chapter 2.4.2.7.

The BDAR/Ecological Assessment needs to be consistent, and integrate with, the required Arborist Report, Landscape Plan, Wastewater Assessment (OSSM), Bushfire Assessment and Stormwater/Water Cycle Management Plan.

Clearing for Bushfire Asset Protection and BOS threshold

As detailed in the below fact sheet, for the purposes of deciding whether a biodiversity development assessment report (BDAR) is required, the entire bushfire Asset Protection Zone (APZ) must be included in the development footprint when applying the biodiversity offsets scheme (BOS) threshold.

For further information refer to Biodiversity Offset Scheme LG Update No. 16 and [Bush fire related clearing and the Biodiversity Conservation Act 2016](#)

When proposed APZs recommended within a bushfire report intersect with vegetation included on the Biodiversity Values Map (and there is not an existing active development approval for complete clearing of the APZ), a BDAR is usually required to be submitted with the application.

For further information refer to Biodiversity Offset Scheme LG Update No. 16 (extract below) and [Bush fire related clearing and the Biodiversity Conservation Act 2016](#):

The biodiversity impacts of any vegetation clearing required for a proposal must be considered under Part 7 of the BC Act. This includes:

- proposed Asset Protection Zones (APZ) required under the PBP 2019 including areas of vegetation that are partially cleared and already meet the specifications of a proposed APZ*
- access roads to meet requirements under the PBP 2021 or for other reasons*
- facilities/works that are ancillary to the proposal such as driveways, fence lines and landscaping.*



Avoid and minimise as per BAM Stage 2 Operational Manual

As per the Stage 2 BAM manual, the proponent and the accredited assessor must seek to avoid impacts on all biodiversity values. Avoidance must be demonstrated through site selection (i.e. locating the development footprint in areas away from biodiversity values) and project design (i.e. adapting layout of the project). Avoidance of impacts is required prior to consideration of minimisation and offset of impacts. Avoidance of Conservation zoned land alone may not/is not likely to provide sufficient avoidance of Biodiversity Values.

Some relevant Biodiversity Values (s 1.5 of the BC Act) that may be applicable to the subject site include:

- Threatened species abundance – threatened species and habitat features that may support threatened species such as tree hollows should be retained wherever possible with appropriate buffers;
- Vegetation abundance – threatened PCTs and areas of native vegetation in high condition (vegetation integrity) must be avoided;
- Habitat connectivity – corridors are required which allow wildlife movement across the subject site; and
- Water sustainability – post-development flows should match pre-development flows (quality, quantity and rate). Depending on ecological constraints and requirements of Councils environmental infrastructure unit, any water quality assets (i.e. detention basins) should not be located on environmentally constrained/ conservation zoned land.

Serious and Irreversible Impact (SII) on biodiversity values

Under Section 7.16 (2) of the BC Act Council must refuse to grant consent if it is of the opinion that the proposed development is likely to have serious and irreversible impacts on biodiversity values.

The Serious and Irreversible Impact (SII) assessment within the BDAR is to be prepared in accordance with BAM 2020 (Section 9.1), including provision of information to address each principle set out in clause 6.7 of the BC Regulation.

The consent authority is responsible for deciding whether an impact is likely to be serious and irreversible. This decision is to be made in accordance with the principles set out in clause 6.7 of the Biodiversity Conservation Regulation 2017. The NSW Department of Climate Change, Energy, the Environment and Water has identified some threatened entities listed under the Biodiversity Conservation Act 2016 (NSW) as at risk of serious and irreversible impacts. As stated on the Department's [website](#):

"The department's list of entities at risk of a serious and irreversible impact is not exhaustive or definitive. A decision maker may require consideration of an entity not listed by the department as an entity at risk of potential serious and irreversible impact. There must be suitable evidence (information and data) to demonstrate that a determination of serious and irreversible impact has been made in accordance with the principles".

Note the requirements of Section 9.1.2 of the BAM *"Additional impact assessment for threatened species at risk of a SAIL"*, which includes requirements to provide information on number of individuals, even for a species assessed by area.

Ecological Field Surveys

Field surveys are to be undertaken in accordance with the NSW Biodiversity Assessment Method (BAM)/ Council's Flora and Fauna Guidelines with reference to relevant notes contained in the Threatened Biodiversity Data Collection and published threatened species survey guidelines. Where relevant published survey guidelines are not available, surveys are to be undertaken using best practice methods that can be replicated for repeat surveys. Field surveys must be less than five years old, as per the BAM.

For BDARS: The ecosystem/species credit species list generated by the BAM-C may not include all threatened species with habitat constraints on the site. To ensure all threatened species are assessed, in accordance with BAM 2020 S 1.4.1, include a table with Bionet search results in the BDAR to assess likelihood of occurrence for threatened species that have been recorded within 10km of the site. Threatened species with suitable habitat on the site are to be added to the BAM-C list to ensure they are subject to required targeted surveys.

Refer to Table 2 in Council's Flora and Fauna Guidelines 2019 for the minimum required level of field surveys required. Remote camera survey must include two baited arboreal and terrestrial mounted cameras (minimum 14 nights) on the site targeting arboreal marsupials and the Long-nosed Potoroo. All hollow bearing trees (HBTs) are to be mapped and number and type of hollows determined. This includes large sized tree hollows < 100m of the development HBTs must be stag watched, particularly where they have characteristics that may support threatened species such as Large Forest Owls.

The development application must not be lodged until such time as all required ecological surveys and assessments have been completed, including all required seasonal surveys for threatened flora and fauna. The application must be complete and ready for assessment, as per Council's *"Assessment of Development Applications Policy"*.

For BDARs: The DPIE *"Guidance for local government on undertaking a critical review of a Biodiversity Development Assessment Report"* outlines that: *"After submission of the development application, the proponent cannot undertake targeted species survey at a later date to refine the credit requirement."*

Study Area

The study area must include all areas likely to be directly and indirectly impacted by the development, including lots, roads (including footpath, kerb and gutter), asset protection zones (including any temporary APZs on adjoining land), stormwater infrastructure and water quality basins, water and sewer services to connection point. Indirect impacts include altered flow regimes, noise, light, weeds, public access etc.

Vegetation clearing is to be determined with reference to civil/bulk earthworks plans which may identify batters etc and provision of service connection to the development (some of these areas may be outside the property boundary).

Landscape Features and Vegetation Mapping

Accurate identification and mapping of landscape features and vegetation communities will be required in accordance with the BAM or Council's Flora and Fauna Guidelines (2019) as this will inform the survey, reporting and offsetting requirements. Vegetation communities are to be identified in accordance with the NSW plant community type classification (PCT); refer to the [NSW Plant Community Type Classification](#) and NSW [State Vegetation Type Map](#)

The BAM requires that assessors justify, with evidence, their choice of PCT in the BDAR. This must include an explanation of how the PCTs were determined.

If particular trees or areas of vegetation are shown for retention on development plans, a formal application to modify the consent would be required if it is determined during more detailed design or construction that these trees or vegetation shown for retention will be impacted. This includes a situation where, for example, a batter, earthworks, services or roads are shown in post consent design plans that conflict with trees required by the consent to be retained.

Water Management Act 2000

The proposed development involves works within 40 metres of a watercourse and will require a controlled activity approval under the *Water Management Act 2000*. The application is to address the NSW DPE Water "*Guidelines for riparian corridors on waterfront land*". This includes provision of a suitable Vegetated Riparian Zone, calculated in accordance with the Guidelines.

Environment Protection and Biodiversity Conservation Act 1999

Species and Ecological Communities listed under the Commonwealth EPBC Act require consideration of Matters of National Environmental Significance (NES) including the significant impact criteria to determine if referral to the Commonwealth Department of the Environment is required. This is a separate assessment and approval process to the 'test of significance' required under the NSW *Biodiversity Conservation Act 2016*. Under the EPBC Act, it is the responsibility of the proponent to refer a proposed action to the Commonwealth if there is likely to be a significant impact on a federally listed species or ecological community. If there is a possibility of a

significant impact, Council encourages applicants to consult with the Commonwealth Department of Environment prior to lodgement of the development application. If there is uncertainty about whether the proposal may have a significant impact, as per the departments published *Significant Impact Guidelines*, it is strongly advised the application is referred to the Federal Environment Minister for consideration. The Minister is obliged to advise within 20 business days as to whether or not approval is required under the EPBC Act.

Refer to [Summary information to assist with pre-referral meeting - guidance for proponents and consultants](#). [Submitting a referral under the EPBC Act - DCCEEW](#).

State Environmental Planning Policy (Resilience and Hazards) 2021

- [Chapter 2 Coastal Management](#)

Chapter 2 of the SEPP will need to be addressed, including consideration of downstream Coastal Wetlands. The site is within an area identified as a proximity area to a SEPP Coastal Wetland. Clause 2.8 of the SEPP will need to be addressed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

- [Chapter 4 – Koala habitat protection 2021](#) (formerly Koala Habitat SEPP 2021)

The Koala SEPP 2021 applies in all land use zones on the Central Coast where the site has an area of at least 1 hectare (including adjoining land within the same ownership). The proposal requires an assessment under the SEPP. This can be addressed as part of the BDAR/Ecological Assessment. Where required, Koala Assessment Reports under the SEPP need to be prepared by a suitably qualified and experienced person, as defined by the SEPP. Surveys for Koala must be in accordance with the [Koala Biodiversity Assessment Method Survey Guide 2022](#)

CC LEP 2022 Clause 5.23 – Public Bushland

Note Public Bushland provisions were previously found under SEPP Biodiversity and Conservation 2021: Chapter 6 Bushland in Urban Areas.

The [clause](#) applies to the entire LGA. Council is required to consider the likely effects of the development on adjoining public bushland (owned by the Council or public authority). The development must not encroach on public bushland. Where appropriate, the Ecological Assessment/BDAR is to provide recommendations to minimise impact of the development such as erosion and sediment control and measures to prevent the spread and establishment of invasive weeds.

The proposal must demonstrate the following:

- The development is to provide Urban Interface Areas consistent with CC DCP Chapter 2.4.2.7.
- Demonstrate that stormwater quality and quantity is provided to pre-development conditions.
- Select stormwater discharge points selected in consultation with the project ecologist to ensure native vegetation and threatened species habitat is not adversely impacted.
- Clearly map any changes to flood behaviour and hydrology and determine the maximum extent of impacts including of smaller (more common) events under the 1% AEP (i.e. 1:10).
- Design and locate the proposal in consultation with the flood engineer and ecologist to ensure the development does not result in flood behaviour and hydrology changes that has the potential to result in adverse impacts on the environment.
- Prevent light overspill into the adjoining Lots that support native vegetation and wildlife habitat.

Species Management Plans

The application must consider the provisions of any relevant Species Management Plans (SMPs) adopted by Council.

These SMPs provide guidance on the process that proponents of development applications should follow to avoid and minimise impacts on a particular threatened species. Survey guidelines are also included.

Adopted Species Management Plans (SMPs) can be found on Council's website [here](#).

Vegetation Management Plan

Council will require preparation of a minimum five year VMP for avoided land. The VMP should be submitted with the DA, or depending on results of the ecological field surveys, Council may impose the VMP as a condition of consent. The VMP would require revegetation, weed management and detail how various mitigation measures would be implemented. The VMP area must be clearly defined, including on the development plans. Council may require certain instruments under the *Conveyancing Act 1919* to apply to the VMP area.

The VMP must also address NSW Office of Water "*Guidelines for vegetation management plans on waterfront land*", and reflect that the site is within a proximity area to a Coastal Wetland under the Resilience & Hazards SEPP.



Further detail on VMPs can also be found in Council's *Flora and Fauna Survey Guidelines 2019*.

Estimated establishment and ongoing management costs for biodiversity land are to be included in the VMP.

Wildlife Management Plan

A Wildlife Management Plan (WMP) for the clearing will need to be provided. *Council's Flora and Fauna Guidelines (2019)* provides further guidance on preparing WMPs. The Ecological Assessments submitted with the application are to include a map and count of hollow bearing trees and other habitats within the development area, and a hollow replacement strategy that may include re-erection on of salvaged hollows in the riparian corridor on suitable trees.

Arboricultural Impact Assessment

An Arboricultural Impact Assessment and Tree Protection Plan would be required including a tree schedule and plan outlining trees to be retained and removed, and relevant protection measures for trees to be retained. The report must be prepared by an AQF5 qualified Arborist in accordance with *AS 4970:2025 Protection of Trees on Development Sites*. Trees on adjoining Lots require assessment and the development should be designed to ensure all trees on adjoining Lots are protected and retained.

Retention of existing native trees with medium to long SULE ratings is to be maximised, this is to include consideration of moving the development footprint to allow improved tree retention. The Arborist Report must consider all development plans (including engineering) and development plans must be consistent with the Arborist Report. To ensure tree impacts are accurately considered, all tree locations are to be surveyed by a registered surveyor, not located using GPS, as required by *AS 4970:2025 Protection of Trees on Development Sites*.

TREES

- In order to address the proposed tree removal on the site and impacts to trees on neighbouring properties from works, an Arboricultural Impact Assessment will be required. The assessment must be prepared by a qualified arborist (minimum AQF Level 5) and include assessment of all trees (> 3 m in height) on, or where relevant, adjoining the subject site.
- The report must address the impact of the proposal on trees and provide a Tree Protection Plan that specifies measures required to protect trees to be retained. Any cavities (tree hollows) identified by the Arborist are to be documented in the report. Retention of existing native trees with medium to long SULE ratings is to be maximised, this is to include consideration of moving the development footprint to allow improved tree retention. All retained trees must include tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.



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- A detailed Landscape Plan is required to be submitted with the DA as per the site specific DCP. It must be completed by a suitably qualified Landscape Architect/Designer with input from a qualified Ecologist. An Ecologist is to be engaged to determine suitable species and planting densities. Local provenance stock must be used for all landscaping to help ensure the integrity of the adjoining Coastal Wetland is not affected. The Landscape Plan is to integrate with the Bushfire Assessment and Arborist Report.

Landscaping maintenance and replacement criteria (minimum 3 years) is required to be specified to ensure the establishment/survival of landscaping, replacement planting (where necessary) and weed removal.

ENVIRONMENTAL HEALTH

SEPP (Resilience and Hazards) 2021

To satisfy the requirements of Chapter 4, Section 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, the applicant must provide sufficient information to satisfactorily demonstrate that the land is suitable for the purpose for which the development is proposed to be carried out.

A review of the property folder has found that the subject site has been identified as potentially contaminated due to historic use as a fuel depot. Any application to develop the land or carry out an activity which would result in soil disturbance would require a preliminary site investigation and/or a detailed site investigation report prepared by a qualified environmental consultant.

- Provide a Detailed Site Investigation (DSI) prepared by a suitably qualified contaminated land professional in accordance with the NSW EPA (Environment Protection Authority) Guidelines for Consultants Reporting on Contaminated Sites.
- If the results of the DSI indicate that the site poses unacceptable risks to human health or the environment – on-site or off-site, and under either the present or the proposed land use – then a remedial action plan needs to be prepared. The investigation must be prepared by a suitably qualified contaminated land professional and must set objectives and document the process to remediate the site.

Erosion and Sediment Control

Adjacent to the site, within 20m of the western boundary is a mapped minor creek which feeds into Ourimbah Creek.

It is an offence under the *Protection of the Environment Operations Act 1997* to pollute waters. To prevent sediment-laden stormwater from leaving the site during construction, erosion and



sediment controls are to be designed, installed and maintained in accordance with *Managing urban stormwater (MUS): soils and construction vol. 1* (the 'Blue Book'), published by Landcom. MUS recommends that an ESCP be required where the area of land to be developed is between 250 m² and 2500 m². Over 2,500m² a Soil Water Management Plan is required.

The site has an area of 22,000m². If the area to be disturbed for construction is expected to exceed 2,500m², a Soil Water Management Plan would be required.

Bunding

It is understood that utilising batteries in such energy and thermally demanding applications render them susceptible to leaks, ageing, and corrosion. Plans are to include details that depict bunding to prevent water and land pollution in the event of incident (leak/fire).

Various precautions can be applied to almost any battery storage systems to ensure the safety of end users, which include battery cell monitoring to avoid potential leakages or material bursts, voltage and current monitoring, proper charge/discharge control, temperature control, and safe disposal of toxic materials. Details regarding controls are requested to be included in the EIS.

Electromagnetic Energy

Details regarding the emission of electromagnetic energy from the storage system as well as inverters and existing substation infrastructure on-site should be provided as part of the EIS. With reference to safety limits for EME exposure to protect the public.

Acoustic Impacts

There is a residential subdivision approved for land that is currently bushland 300m southeast of the proposed site (closest being 41 Butternut Avenue). While Apprentice Drive separates the proposed site from the approved subdivision, 24 hour air conditioning may have an acoustic impact. It is considered reasonable to request that a Noise Assessment be prepared to accompany the application.

- Provide a Noise Assessment prepared by a suitably qualified acoustic consultant that meets the technical eligibility criteria for membership with the Association of Australasian Acoustical Consultants (AAAC). The report is to be prepared to quantify potential emissions associated with the proposal and the impact on closest receivers.

Should you have any questions please contact Council's Principal Planner Ross Edwards on 0437 628 027 or via email ross.edwards@centralcoast.nsw.gov.au





Regards

A stylized, handwritten signature in black ink, appearing to read "Ross Edwards".

Ross Edwards

Acting Section Manager

DEVELOPMENT ADVISORY SERVICES



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