



15 September 2025

The Department of Planning, Housing
and Infrastructure

Contact: Chris Dwyer
Our Ref: DA 52/2025/11/1
Your Ref: SSD-92914712 / PAE-92937462

Attention: Gracie Jackel

Dear Gracie,

Request for Comment – draft SEARs SSD-92914712
Sunshine Battery Energy Storage System, Avenis Energy Pty Ltd
1337 Wine Country Drive, Rothbury NSW 2304

Thank you for the opportunity to comment on draft Secretary's Environmental Assessment Requirements (SEARs) for the Sunshine Battery Energy Storage System (BESS) by Avenis Energy Pty Ltd at 1337 Wine Country Drive, Rothbury NSW 2304.

Council has reviewed the following documents:

- Scoping Report – Sunshine Estate BESS. NGH Pty Ltd. 26 August 2025
- Draft SEARs – DPHI Ref SSD-92914712

The proposed development comprises:

- 140 battery containers 6m x 2.5m x 2.9m, each containing 40 battery modules
- 42 Inverters within a container skid 6.1m x 2.5m x 2.9m.
- Switch room, switch gear and transformers, and control room
- Overhead / underground transmission line connection to substation
- Internal access tracks, carparking
- Operations building, staff amenities, security fencing, landscaping and storage areas

It is proposed to access the facility from Wine Country Drive, and access the existing substation via Wine Country Drive and Old North Road.

The estimated development cost of the proposal is approximately \$200 million.

The Scoping Report and draft SEARs appear to address most environmental planning issues arising from the proposal, however the following matters are raised to assist DPHI in developing comprehensive SEARs.

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Strategic Planning

Council supports energy storage and firming capacity proposals that would increase stability of the electricity network, and assist in the transition from fossil fuel to renewable energy, but only where the environmental impacts of the proposal are acceptable.

The site selection adjacent to existing energy infrastructure is noted, however the site is also located in a highly visual rural locality, adjacent to Cessnock's Vineyard District, and on a flood and bushfire prone site.

The Scoping Report at 2.3.3 identifies relevant priorities of Council's Local Strategic Planning Statement (LSPS), and the draft SEARs address Landscape and Visual impacts under Key Issues.

We would also recommend the EIS consider 'Planning Priority 19 – development minimises environmental impacts and respond to site environmental characteristics and natural hazards'. It is requested the SEARs require the EIS to address all relevant strategic plans and statements including the Cessnock LSPS.

Cumulative Impact

The Scoping Report at 6.13 notes that cumulative impacts of the adjacent Rothbury BESS (SSD-85939708) will be a particular focus in the EIS. Council support this approach, and also note assessment of cumulative impacts is required by the draft SEARs.

Environmental Health

Sewerage

The site is not serviced by reticulated sewer. The Scoping Report indicates an intention to rely on a pumpable sewerage holding tank presumably to service plumbing fittings within site buildings. The draft SEARs do not address the provision of these services.

Temporary/portable facilities are considered suitable to support the construction phase however, relying on sewerage pump-out for the ongoing operation is not supported. Preference is given to a sustainable on-site wastewater system that treats and disposes of wastewater generated entirely within the lot it is generated.

It is requested that the SEARs require assessment of the property's suitability for an on-site wastewater treatment and disposal system.

Noise

Assessment of both construction and operational noise is identified as a key issue to be considered within the EIS, which is supported.

Contamination

The Scoping Report notes that a preliminary site investigation would be required as a part of the EIS to identify potential sources of contamination and any remediation measures that would be necessary, which is supported.

Flooding

The site is flood affected partially by the 1% AEP and Probable Maximum Flood (PMF). Hazards are shown up to H6 with hydraulic categories including floodway, storage and fringe. The flooding is associated with Black Creek.

The development is identified as sensitive and hazardous development under the Cessnock Local Environmental Plan 2011 (CLEP) clause 5.22, and is identified as critical infrastructure under Council's Development Control Plan 2010 (DCP).

It is requested that the SEARs require the EIS to address flood impacts not only as drafted, but also in consideration of the CLEP and Cessnock DCP as noted above.

Vehicle Access – Wine Country Drive

Wine Country Drive is a classified road owned and maintained by Council but managed by TfNSW. Any proposed access from Wine Country Drive will require an intersection assessment in accordance with Austroads Guide to Road Design - signalised and unsignalized intersections, for any permanent access.

It is requested that the SEARs specifically request the EIS to address vehicle access to the site particularly from Wine Country Drive.

Local Developer Contributions

The proposal is identified within the Benefit Sharing Guideline 2024 for battery energy storage systems being grid-scale rechargeable batteries that can store energy from different sources and discharge it into the electricity grid when needed. The draft SEARs address this under the 'Economic and Benefit-Sharing' section, and the proponent addresses this in section 2.5 of the Scoping Report. If the proponent wishes to proceed with this pathway a voluntary planning agreement would be negotiated with Council.

Alternatively, should a benefit sharing planning agreement not be reached then the proposal would be subject to the Cessnock City Council s7.12 Contributions Plan 2017. Based on current information a total monetary contribution of \$2,000,000 would be applicable to the proposal.

I trust the above information assists you in developing comprehensive SEARs for Avenis Energy's Sunshine BESS project. Council looks forward to receiving the SSD and EIS for comment once it is formally lodged.

If you require any further information, please do not hesitate to contact me on telephone 02 4993 4254 or via email chris.dwyer@cessnock.nsw.gov.au.

Yours faithfully



Chris Dwyer
Executive Planner