

Wagga North Battery Energy Storage System

Development Assessment Report (DA26/353)

July 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Published: July 2026

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Preface

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the development application for the Wagga North Battery Energy Storage System (the development).

The Department's assessment considers all documents submitted by ib vogt Development Australia Pty Ltd (the Applicant), including the Statement of Environmental Effects, Submissions Report and Additional Information, advice from government authorities, and all legislation and planning instruments relevant to the site and the development.

The report includes:

- a description of the development and the surrounding environment
- an assessment of the development against government policy and statutory requirements, including mandatory considerations
- an explanation of who the consent authority is
- consideration of matters raised by government stakeholders and the community
- an assessment of the likely environmental, social and economic impacts of the development and recommendations for managing any impacts during construction and operation
- an evaluation which weighs up the likely impacts and benefits of the development, having regard to the proposed mitigation measures, community submissions and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the development should be granted and any conditions that should be imposed.

Contents

Preface.....	i
1 Introduction.....	1
1.1 Development Background.....	1
1.2 Site Description	2
1.3 Energy Policy Context.....	3
2 Development.....	5
2.1 Description of the Development.....	5
2.2 Transgrid Substation Connection and Access.....	11
2.3 Applicant's Justification for the Development.....	12
3 Strategic Context.....	13
3.1 Key Strategic Issues	13
4 Statutory Context	14
4.1 Permissibility and Assessment Pathway.....	14
4.2 Other Approvals and Authorisations	15
4.3 Mandatory Matters for Consideration.....	15
4.4 Public Exhibition and Notification.....	15
4.5 Objects of the EP&A Act	15
4.6 Biodiversity Development Assessment Report	15
5 Engagement.....	17
5.1 Consultation by the Applicant.....	17
5.2 Consultation by the Department	17
5.3 Submissions and Advice	17
5.4 Additional Information.....	18
6 Assessment.....	20
6.1 Traffic and Access	20
6.2 Noise and Vibration.....	25
6.3 Other Issues.....	29

7	Evaluation.....	40
8	Recommendation.....	42
9	Determination	43
	Glossary.....	44
	Appendices.....	45
	Appendix A – List of Referenced Documents.....	46
	Appendix B – Submissions and Government Authority Advice.....	46
	Appendix C – Community Views for Draft Notice of Decision	47
	Appendix D – Statutory Considerations	53
	Appendix E – Recommended Instrument of Consent.....	57

1 Introduction

1.1 Development Background

ib vogt Development Australia Pty Ltd (the Applicant) is seeking development consent for the construction and operation of a battery energy storage system (BESS) with a nominal capacity of 120 megawatt (MW) / 480 MW-hour (MWh) (the development) at 116 Bavin Road, Bomen, in the Wagga Wagga Special Activation Precinct (SAP) (the site) (refer **Figure 1**). The BESS will be developed and operated by WN Bess Pty Ltd on behalf of the Applicant. A detailed description of the development is provided in **Section 2**.

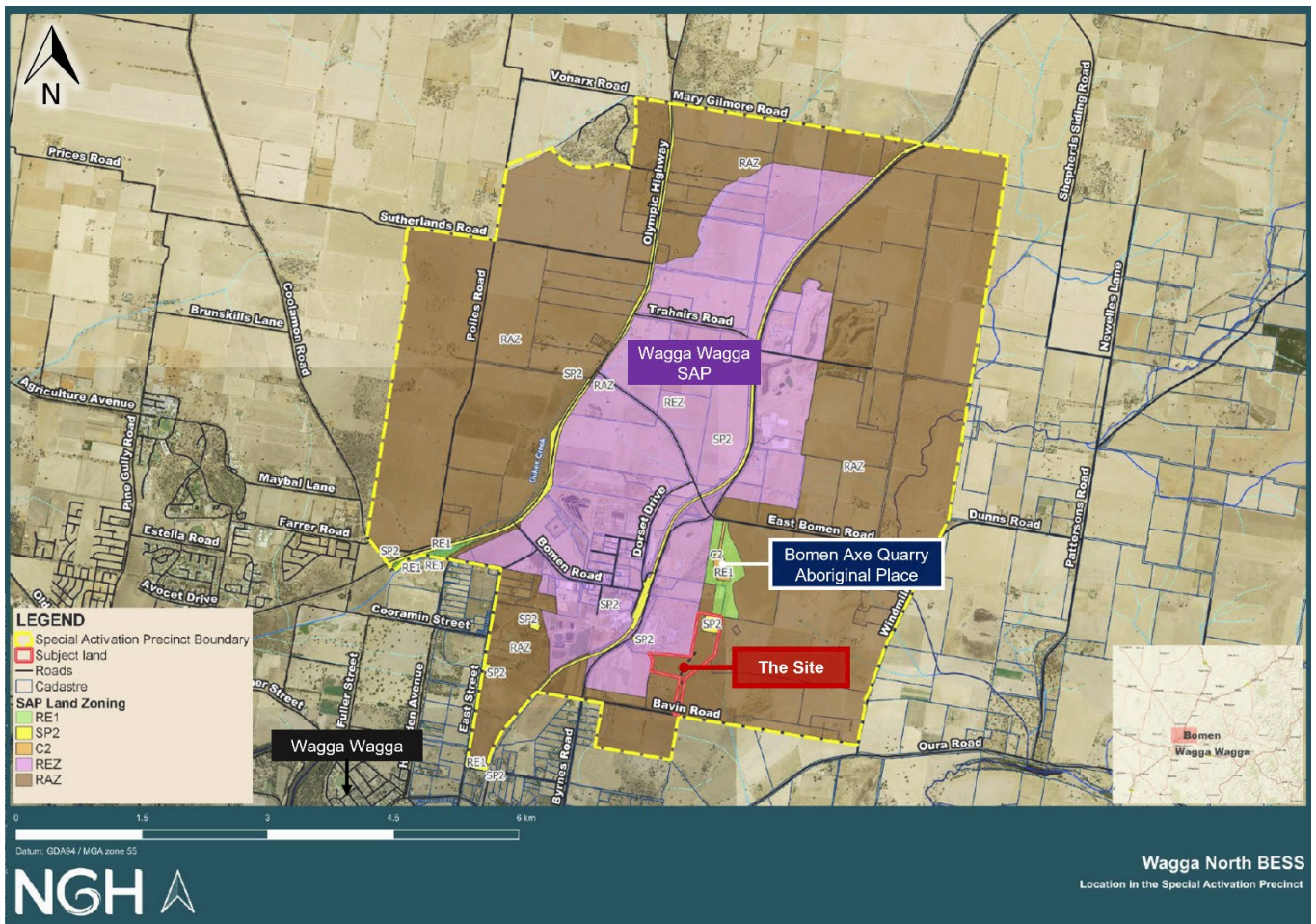


Figure 1 | Regional Context

The Wagga Wagga SAP is a 4,424-hectare (ha) area, located to the north of the township of Wagga Wagga, incorporating the existing Bomen Business Park. The key goal of the SAPs is to create jobs and fuel economic development across regional NSW. The Wagga Wagga SAP leverages the region's existing strengths in agriculture, transport and logistics and the economic opportunities associated with Wagga Wagga's strategic location midway between Sydney and Melbourne and aims to create jobs across a range of industries including value-added agriculture, horticulture, freight and logistics. The Wagga Wagga SAP Master Plan supports the delivery of innovative renewable energy solutions to reduce carbon emissions and energy costs across the precinct.

The development will connect to the national electricity market (NEM) via Transgrid’s Wagga North Zone Substation (the Transgrid substation) (see **Figure 2**). The BESS would contribute to grid stability in the Wagga Wagga SAP and align with the sustainability goals for the Wagga Wagga SAP as it would store excess renewable-generated energy in the NEM and support the State’s net zero targets.

1.2 Site Description

The broader site comprises approximately 31.04 ha of privately owned land currently used for low intensity livestock grazing and is legally described as Lot 2 DP 1115229 (for the BESS and road connection to Bavin Road) and Lot 1 DP 1115229 (for the Transgrid substation works) (see **Figure 2**). The site is predominantly zoned RAZ – Rural Activity, while the Transgrid substation is zoned SP2 – Infrastructure under State Environmental Planning Policy (Precincts – Regional) 2021 (Precincts - Regional SEPP) (see **Figure 1** above). The site is accessed via Byrnes Road and Bavin Road, an unsealed rural road.



Figure 2 | Site Context

The area to be developed comprises approximately 4.05 ha of level land, clear of built form. There are some isolated paddock trees within the site, and a 20-metre (m) tree belt along the eastern and south-eastern boundary. The paddock trees are identified as Tier 1 – High Biodiversity Constraint and Tier 2 – Medium Biodiversity Constraint in the Wagga Wagga SAP Delivery Plan. No Aboriginal or historic heritage sites or objects exist on the site. However, a spur landform runs through the eastern portion of the site adjacent to the boundary and is connected to the same ridgeline as the Bomen Axe Quarry

Aboriginal Place located approximately 500 m north of the site (see **Figure 1**). There are no waterways or farm dams within the site.

There is no existing stormwater infrastructure within the site. Surface water drains into Kurrajong Lagoon on the Wheel of Fortune Creek, approximately 3 kilometres (km) to the southeast. Wheel of Fortune Creek eventually drains into the Murrumbidgee River. A 132 kilovolt (kV) Transgrid transmission line easement runs through the broader site, connecting to the Transgrid substation (see **Figure 3**).

Adjacent land uses include industrial land to the west and northwest (in the Regional Enterprise Zone), rural land for livestock grazing to the south and east, and the Wagga Wagga North Solar Farm approximately 400 m to the east. The closest sensitive receiver is an existing dwelling 650 m southwest of the site at 77 Bavin Road, Bomen (see **Figure 3**).



Figure 3 | Surrounding Land Uses

1.3 Energy Policy Context

As NSW transitions away from coal fired power, there is an increasing need for battery storage to firm renewable energy sources. The NSW Electrical Strategy (2019) notes that all coal fired power plants in NSW are scheduled for closure within the next fifteen years and that firmed renewables are the lowest cost option to replace aging coal power stations. The Australian Energy Market Operator's (AEMO) 2024 Integrated System Plan (ISP) states that battery storage is required to provide firming capacity and to support intra-day energy shifting.

With a nominal capacity of 120 MW / 480 MWh, the BESS would increase grid stability and energy security. Accordingly, the project aligns with several national and State policies, including *Australia's Long Term Emissions Reduction Plan* and the *NSW Net Zero Plan Stage 1: 2020-2030* and associated *Implementation Update*. These policies identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability.

2 Development

2.1 Description of the Development

The major aspects of the development are summarised in **Table 1** and shown in **Figures 4 to 9** below and described in full in the SEE and Submissions Report included in **Appendix B**.

Table 1 | Main Aspects of the Development

Aspect	Description
Development Summary	Construction and operation of a BESS with a nominal capacity of 120 MW / 480 MWh, including supporting ancillary infrastructure and installation of an underground transmission cable from the BESS to the Transgrid 132 kV substation
Physical layout and design	The development includes: • site establishment including earthworks and installation of erosion and sediment control measures • 126 containers housing battery cells in modules and associated cooling systems, 42 skid-mounted power conversion systems (PCS), a control room and switch room • underground transmission cable from the BESS to the Transgrid substation • operations and maintenance (O&M) building and staff amenities • a 20,000 L water tank and on-site drainage infrastructure, including a 1,200 cubic metre detention basin • on-site parking and upgraded vehicular access from Bavin Road • 2 m high security fencing and landscaping
Maximum energy discharge and storage capacity	Maximum energy discharge capacity of 132 MW (a nominal discharge capacity of 120 MW at the point of connection) Maximum energy storage capacity of 528 MWh (a nominal storage capacity of 480 MWh at the point of connection)
Roadworks and site access	Pavement upgrade for the full extent of Bavin Road from Byrnes Road to the site access Widening of Bavin Road site access driveway Upgrade of Byrnes Road / Bavin Road intersection to include a basic left turn (BAL) Access track for Transgrid infrastructure access
Site area	31.04 ha
Development footprint	4.05 ha
Construction	12-18 months
Operation	The BESS would operate 24 hours a day, 7 days a week Expected operational life of 35 years, after which it would be decommissioned Batteries may require replacement after around 15-20 years
Decommissioning and rehabilitation	12-month decommissioning timeframe Rehabilitation plan for all infrastructure during and after construction
Employment	Up to 80 jobs during construction and five jobs during operation

Aspect	Description
Estimated Development Cost	\$224,876,098
Developer Contributions	\$1,948,908 under Section 7.12 of the EP&A Act in accordance with the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034



Figure 4 | Development Layout



Figure 5 | BESS Infrastructure Site Layout

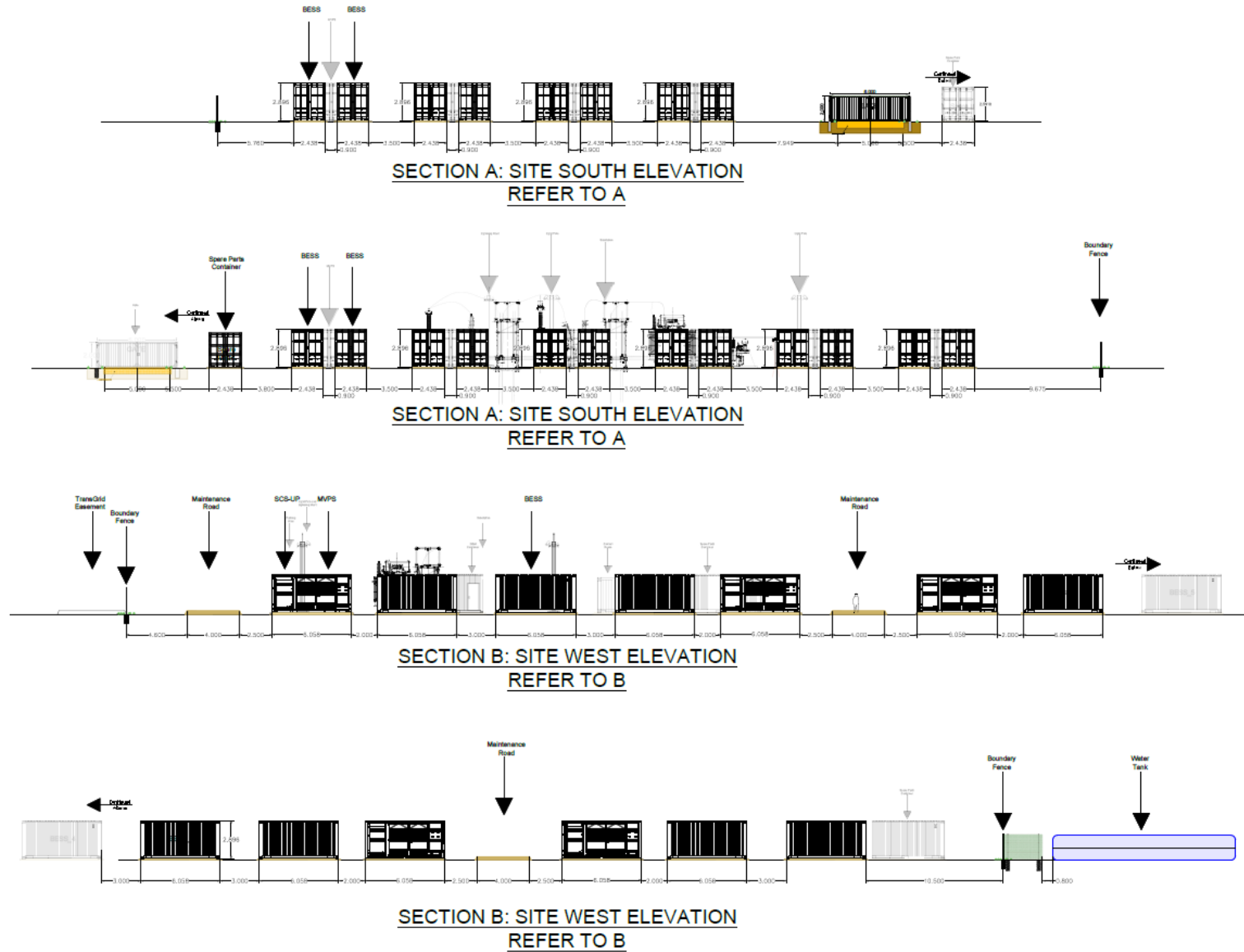
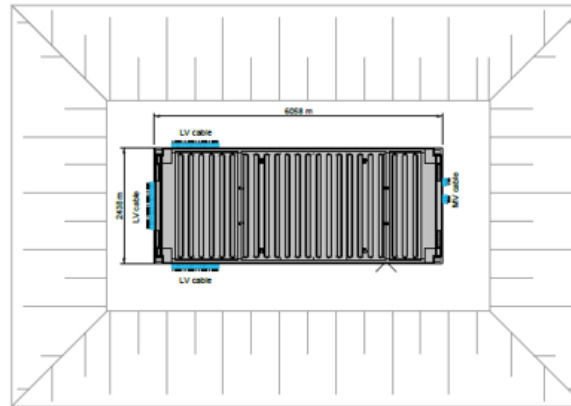
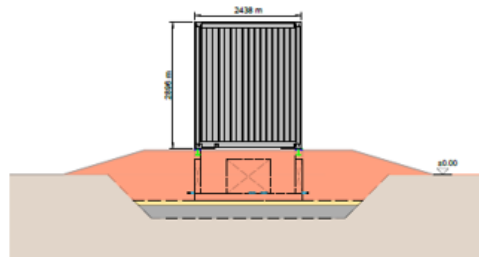


Figure 6 | BESS Elevations

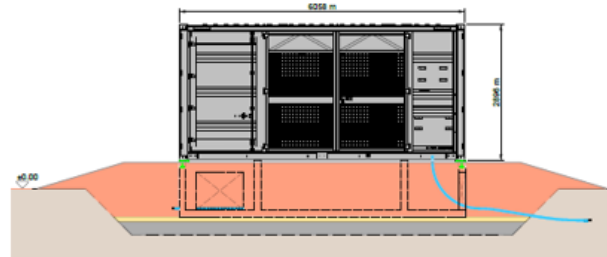
1 Top View of MV Power Station
M 1:75



2 Front view
M 1:75



3 Side view
M 1:75



4 Back view
M 1:75

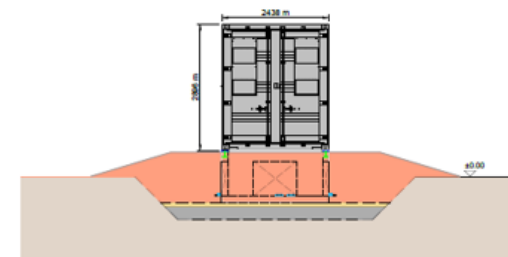


Figure 7 | BESS Container Design



Figure 8 | Typical BESS module



Figure 9 | Site Access Widening

2.2 Transgrid Substation Connection and Access

To facilitate the connection to the Transgrid substation, Transgrid would carry out the following works within its land:

- construction of a new 132 kV bay to facilitate the integration of the BESS within the substation infrastructure
- installation of associated secondary high-voltage equipment required for the selected connection option
- execution of any necessary civil works to support the bay construction, including foundation works, trenching, and structural reinforcements and laydown areas, as required.

A Right of Way (ROW) easement currently exists across 280 Byrnes Road and the site, which provides legal access to the Transgrid substation through the site (refer **Figure 10**). The existing access point currently accommodates for vehicles up to 26 m in length. No over-dimensional vehicles would be required as part of the connection works.

It is noted that the ROW easement only permits access for Transgrid and therefore the ROW will not be used by the Applicant for construction or operation of the BESS infrastructure.



Figure 10 | Access to Transgrid Substation

2.3 Applicant's Justification for the Development

The Applicant has justified the development on the basis that it will:

- be well aligned with the sustainability goals for the Wagga Wagga SAP as it would more effectively use daytime excess solar-generated energy in the NEM
- enable storage of energy and release during peak demand periods, contributing to grid stability
- provide increased energy storage capacity for the State, supporting additional renewable energy projects in NSW and helping achieve net zero targets
- provide a notable support function to industrial development and renewable energy generators that are envisioned for the SAP
- increase employment opportunities in the SAP by employing up to 80 construction workers and five operational staff
- provide an up-front monetary contribution of \$1,948,908 via an infrastructure contribution to Council in accordance with section 7.12 of the EP&A Act.

3 Strategic Context

3.1 Key Strategic Issues

The Wagga Wagga SAP was established under the Precincts – Regional SEPP in March 2022. The SAP master planning process was informed by a suite of environmental assessments carried out on behalf of the NSW Government. This work guided the development of the Wagga Wagga SAP Master Plan and the subsequent Wagga Wagga SAP Delivery Plan. Regional Growth Development Corporation (RGDC) finalised the Wagga Wagga SAP Delivery Plan in 2021, and the precinct is currently in the delivery phase.

Key relevant strategies, plans and policies relevant to the assessment of the development are outlined in **Table 2** below.

Table 2 | Summary of Key Government Strategies, Plans and Policies

Strategy, Plan or Policy	Comments
Wagga Wagga SAP Master Plan	Provides the vision and principles for the Precinct, a Structure Plan and provisions to ensure that the vision is achieved. It also describes matters that should be addressed in more detail as part of the Delivery Plan. The development is consistent with the Master Plan vision and principles in relation to infrastructure as it will provide renewable energy storage and support the State's transition to renewable energy.
Wagga Wagga SAP Delivery Plan	Sets out the performance criteria for development in the SAP to ensure consistency with the Wagga Wagga SAP Master Plan. The development has been assessed against the performance criteria as part of the Department's assessment and is consistent with the Delivery Plan subject to the implementation of the Applicant's proposed management and mitigation measures and the Department's recommended conditions of consent.

4 Statutory Context

4.1 Permissibility and Assessment Pathway

Details of the permissibility of the development and the assessment pathway under which consent is sought are provided in **Table 3** below.

Table 3 | Permissibility and Assessment pathway

Consideration	Description
Permissibility	Permissible with consent - Electricity generating works (which includes a building or place used for the purpose of electricity storage) are permissible with consent in the Rural Activity Zone of Precincts - Regional SEPP. - Part of the site is zoned SP2 Infrastructure (Electricity Transmission or Distribution). Under the SP2 zone, the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose, is development permitted with consent on that land
Assessment pathway	Part 4 Development - The development is in the Wagga Wagga SAP, as identified in Schedule 1A of the Precincts - Regional SEPP and: - is permissible with development consent - requires approval from Wagga Wagga City Council (Council) under section 138 of the <i>Roads Act 1993</i> for works within the Byrnes Road/Bavin Road public road reserve - is not designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) - is classified as a Part 4 integrated development under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).
Consent authority	Planning Secretary The Planning Secretary is the consent authority under Schedule 1A, Clause 3, of the Precincts – Regional SEPP
Decision-maker	Director - On 11 May 2022, the Planning Secretary delegated the functions to determine Part 4 development applications to the Director, Industry Assessments where: - there are less than 15 unique public submissions in the nature of objections and - a political disclosure statement has not been made by the Applicant. - The Department received one public submission. No reportable political donations were made by the Applicant in the last two years.

Consideration	Description
	Accordingly, the application can be determined by the A/Director, Industry Assessments, under delegation.

4.2 Other Approvals and Authorisations

The development requires an Activation Precinct Certificate (APC) under the Precincts-Regional SEPP issued by RGDC. On 9 May 2025, the RGDC issued APC 433 for the development confirming that the development is consistent with the Wagga Wagga SAP Master Plan and Delivery Plan.

Should development consent be granted, the development will also require consent under the *Roads Act 1993* issued by Council. As such, the development is classified as integrated development under section 4.46 of the EP&A Act. In accordance with legislative requirements, the Department gave written notice to Council requesting General Terms of Approval (GTAs). The Department has consulted with and considered the advice of Council in its assessment of the development (see **Section 5** and **Section 6**) and has incorporated the Council's GTAs in the recommended conditions of consent (see **Appendix E**).

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application (DA). The Department's consideration of these matters is shown in **Appendix D**.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of a DA are required to be publicly exhibited for at least 14 days. The application was on public exhibition from 4 February 2026 until 17 February 2026. Details of the exhibition process and notifications are provided in **Section 5**.

4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). The Department has fully considered these matters in **Appendix D**. The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ESD.

4.6 Biodiversity Development Assessment Report

Section 7.7 of the *Biodiversity Conservation Act 2016* (BC Act) requires Part 4 DAs to be accompanied by a Biodiversity Development Assessment Report (BDAR) if it is likely to significantly affect threatened species.

The Biodiversity Report prepared as part of the Wagga Wagga SAP Master Plan identified existing paddock trees within the site, which include native and mixed ornamental plantings. Areas of native vegetation that were unable to be assigned to a recognised NSW Plant Community Type (PCT) were classed as ‘medium biodiversity constraints’ and those that met the threshold for assessment as paddock trees (some of which were also hollow bearing) were classed as ‘high or medium biodiversity constraint’. Additionally, a 20 m tree belt runs along the eastern and south-eastern boundary of the subject site. This tree belt is the subject of a timber forestry and carbon sequestration right, and therefore the Applicant is not permitted to impact these trees.

The Department notes the Wagga Wagga SAP Delivery Plan states the majority of the Wagga Wagga SAP is on land that has been cleared for agricultural, industrial and residential purposes, however patches of remnant native vegetation and planted native trees also occur. The precinct is generally isolated from any surrounding areas of biodiversity value.

The proposed development site is on cleared cropped land, and the proposed development would not be carried out in an area of high biodiversity value, including the paddock trees classed as high and medium biodiversity constraint as shown in **Figure 2**. The proposed site access road avoids all protected native vegetation and high and medium biodiversity constraint areas as identified by the Wagga Wagga SAP Delivery Plan.

The Conservation Programs and Heritage Regulation Group (CPHR) of the Department of Climate Change, the Environment, Energy and Water (DCCEEW) also reviewed the SEE and advised the proposal avoids and minimises impacts on biodiversity values and agrees that significant impact on threatened species is unlikely.

As such, the Department does not consider that the proposal will significantly impact threatened species, and consequently, a BDAR is not required.

5 Engagement

The Applicant undertook consultation with relevant local and State authorities prior to lodgement of the SEE. The Department undertook further consultation with these stakeholders, the community and affected landowners during the exhibition of the DA and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.1 Consultation by the Applicant

As the authority responsible for delivery of development in the SAP, RGDC carried out a range of engagement activities with the community and government stakeholders during development of the Wagga Wagga SAP Master Plan and Delivery Plan. The Applicant also consulted directly with Council, Transport for NSW (TfNSW), Transgrid, Essential Energy and the nearest neighbours prior to lodgement of the DA.

5.2 Consultation by the Department

5.2.1 Public Exhibition of the EIS

After accepting the DA, the Department:

- publicly exhibited the DA and SEE from 4 February 2026 until 17 February 2026 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Council.

5.3 Submissions and Advice

During the public exhibition period, the Department received one objection which raised issues about road safety, access, amenity and construction impacts.

Council provided comment but did not make a formal submission. Advice was received from seven government authorities and two utility providers. A link to the full copy of the advice is provided in **Appendix B**. A summary of the government authority advice is provided in **Table 4**.

Table 4 | Summary of Government Authority & Utility Provider Advice

Agency	Advice summary
APA Group	Raised no concerns regarding any direct impact on its gas pipeline, given the development is located approximately 580 m away and is not for a sensitive land use.
CPHR	Advised the site is not at risk from flooding. Confirmed the proposal avoids and minimises impacts on biodiversity values and agreed that significant impact on threatened species is not likely.

Agency	Advice summary
Heritage NSW – Aboriginal Cultural Heritage	Agreed with the findings of the ACHAR that there is no Aboriginal heritage values associated with the project area, and therefore no further assessment is required.
Department of Primary Industries and Regional Development – Agriculture (DPIRD – Agriculture)	Recommended conditions requiring the key decommissioning activities and rehabilitation plans to be incorporated into the consent, to ensure the site is returned to its pre-existing use. It also recommended conditions requiring the development of an agricultural biosecurity management plan in accordance with the Biosecurity Risk Management in Land Use Planning and Development Guide.
Environment Protection Authority (EPA)	Advised the EPA is not the appropriate regulatory authority given that the proposal does not constitute a Scheduled Activity under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Recommended the Department consider the appropriateness of the revised noise and vibration impact assessment (NVIA) and the updated Preliminary Site Investigation (PSI) information, and to consult with Council.
Fire and Rescue NSW (FRNSW)	Recommended conditions requiring a Fire Safety Study (FSS), Emergency Plan and Emergency Services Information Package (ESIP) in accordance with relevant Department and FRNSW guidelines.
Rural Fire Service (RFS)	Recommended conditions requiring bush fire protection measures as outlined in the SEE and bush fire assessment report.
TfNSW	Supports the future submission of a Traffic Management Plan (TMP) in consultation with TfNSW, Council and other relevant stakeholders. Advised that state road intersections near the site will not require any upgrades as a result of this development.
Transgrid	Advised the access track to Pole 606 within the Transgrid transmission easement will be impacted by earthworks for the development and will have to be rerouted for regular maintenance and inspection. Provided advice relating to the interface with Transgrid transmission line easements. This included fence heights, excavations, construction standards.

Council provided comments on traffic and access arrangements and landscaping. Council recommended conditions requiring TMPs and the upgrade, sealing and maintenance of Bavin Road. It also advised the proposal requires approval under section 138 of the *Roads Act 1993* for works within the road reserve.

5.4 Additional Information

Following the public exhibition period, the Department requested the Applicant respond to the matters raised by the government authorities and utility providers and provide additional information regarding amenity impacts and safety risks, traffic and access, development design plans and noise.

On 2 April 2026, the Applicant responded to the Department's requests (see **Appendix B**) in a Submissions Report. The Department published the Submissions Report on the NSW planning portal and forwarded it to Council and Transgrid for comment.

The Submissions Report included updated development design plans, a comparative noise memorandum, updated mitigation measures table, and additional information in relation to the matters raised by the Department and Transgrid. The Applicant also documented its communications with nearby residents in response to concerns raised.

On 30 April 2026, Council advised it had no further concerns regarding the development and provided General Terms of Approval (GTA) for any approval under section 138 in relation to the development.

Transgrid gave its authorisation to the proposed development, subject to recommended conditions to ensure that any works do not impact the easements, structures, or Transgrid's access to the substation for maintenance activities.

Essential Energy advised it had no concerns regarding safety risks associated with the development.

A summary of the Department's consideration of community views is provided in **Appendix C**.

6 Assessment

The Department has considered the SEE, issues raised in the government advice, the public submission and the Submissions Report in its assessment of the development. The Department considers the key issues for assessment are traffic and access, and noise and vibration.

6.1 Traffic and Access

Construction traffic has the potential to impact on the safety and efficiency of the local road network. The public submission objecting to the development raised concerns regarding road safety risks, suitability of Bavin Road for construction access, and potential conflicts of HV with school buses and pedestrians. The submitter requested the Applicant consider other alternative access arrangements, including the Transgrid ROW access and a recently approved private subdivision at 330 Byrnes Road, to the north of the Transgrid substation (DA 25/10636).

If works carried out by Transgrid to upgrade the Transgrid substation occur at the same time, the cumulative peak construction traffic generation (excluding the Over Size Over Mass (OSOM) movements) is predicted to be up to 127 light vehicles (LV) and 43 heavy vehicle (HV) movements per day. In addition, two OSOM vehicles would be required to access the site during construction for the transport of the transformer from either Port Kembla in NSW, or Port Melbourne in Victoria.

For developments in the RAZ, the Wagga Wagga SAP Delivery Plan requires development to provide adequate facilities for additional traffic in terms of vehicle access and movements, and in the case of larger projects, such as this proposal, applicants must demonstrate the roads in the locality are of satisfactory condition to accommodate the size, weight and volume of vehicles that could be generated by the development (Performance Criteria PC39 of the Delivery Plan).

Applicant's Assessment

Traffic Generation

The Applicant's TIA assessed the traffic impacts and road capacity and reported that Byrnes Road currently carries in the order of 3,300 daily vehicle movements and therefore an increase of 162 daily movements as a result of the development represents an increase of only 5%. The TIA concluded that construction traffic would not have a material impact on the operation of Byrnes Road or the broader road network. Impacts of construction traffic on the performance of the Byrnes Road / Bavin Road intersection was assessed and found the intersection would continue to operate safely with minimal delays and queues.

The TIA confirmed that traffic generation during decommissioning would be similar to the construction phase.

Transgrid Substation Access

With respect to the construction access for the transmission connection at the Transgrid substation, the TIA determined that the intersection of Byrnes Road and the ROW access warrant a short

channelised right-turn lane and a basic left turn lane, however, concluded the provision of this infrastructure was not necessary given the short-term nature of these works, the potential disruption to existing operations at 280 Byrnes Road (refer **Figure 9**), the existence of adequate sight distances and the conservative nature of the traffic assessment. Furthermore, swept path diagrams confirmed the existing access point can accommodate HVs up to 26m in length. No OSOM vehicles will be required as part of the connection works.

To ensure safe access at this intersection during the short construction period, the Applicant proposes to install temporary advanced warning signage and to implement a traffic management plan to manage movements to and from the easement access during the construction period.

Site Access

With regard to HV and OSOM movements required for the BESS construction, the Applicant's TIA noted that Byrnes Road (and connecting roads Merino Street and Eunony Bridge Road) are pre-approved for the use of B-double vehicles, providing a connection into the broader arterial road network to both the north and south. However, as Bavin Road is not approved for B-double access it will require an application for the use by B-double construction vehicles. The TIA confirmed that OSOM vehicles could access the site via the Sturt Highway, Eunony Bridge Road, Byrnes Road and onto Bavin Road subject to minor works being carried out, including temporary removal of signage and making the roundabouts and traffic islands at the intersections of the Sturt Highway / Eunony Bridge Road and Eunony Bridge Road / Byrnes Road mountable.

To ensure appropriate safe and efficient access arrangements are maintained during construction and decommissioning, and in response to the concerns raised in the public submission, the Applicant has committed to sealing the entire length of Bavin Road from the intersection with Byrnes Road to the site access (a distance of approximately 1 km), upgrading the Byrnes Road / Bavin Road intersection to a left-in left-out (LILO) basic auxiliary intersection (restricting right hand turns from Byrnes Road into Bavin Road), and widening the site access driveway off Bavin Road.

As Byrnes Road currently operates with a posted speed limit of 80 km/hr, to maintain safety and efficiency at the Byrnes Road / Bavin Road intersection, construction traffic travelling to the site via Byrnes Road from the south will be required to continue past the Byrnes Road / Bavin Road intersection to the north and turn around at the roundabout at the Byrnes Road / Merino Road / East Bomen Road intersection approximately three kilometres north (see **Figure 11**).

To further mitigate and manage construction traffic, the Applicant has committed to documenting a suite of traffic management measures in a Traffic Management Plan (TMP) and implementing this for the duration of construction and decommissioning. Key traffic control measures include installing a monitoring camera at the Byrnes Road / Bavin Road intersection to ensure compliance with the LILO access arrangement at this intersection, and driver induction training and signage to ensure drivers adhere to this arrangement.

Additional measures include consultation with neighbours regarding the timing of major deliveries, avoiding peak bus operating times to minimise conflicts with buses and pedestrians, co-ordinating the timing of OSOM movements to avoid other OSOM movements in the area, fencing and signage to ensure construction traffic does not use private driveways, radio communications between construction vehicle drivers and parking of heavy vehicles within the site to allow the passage of incoming HVs.

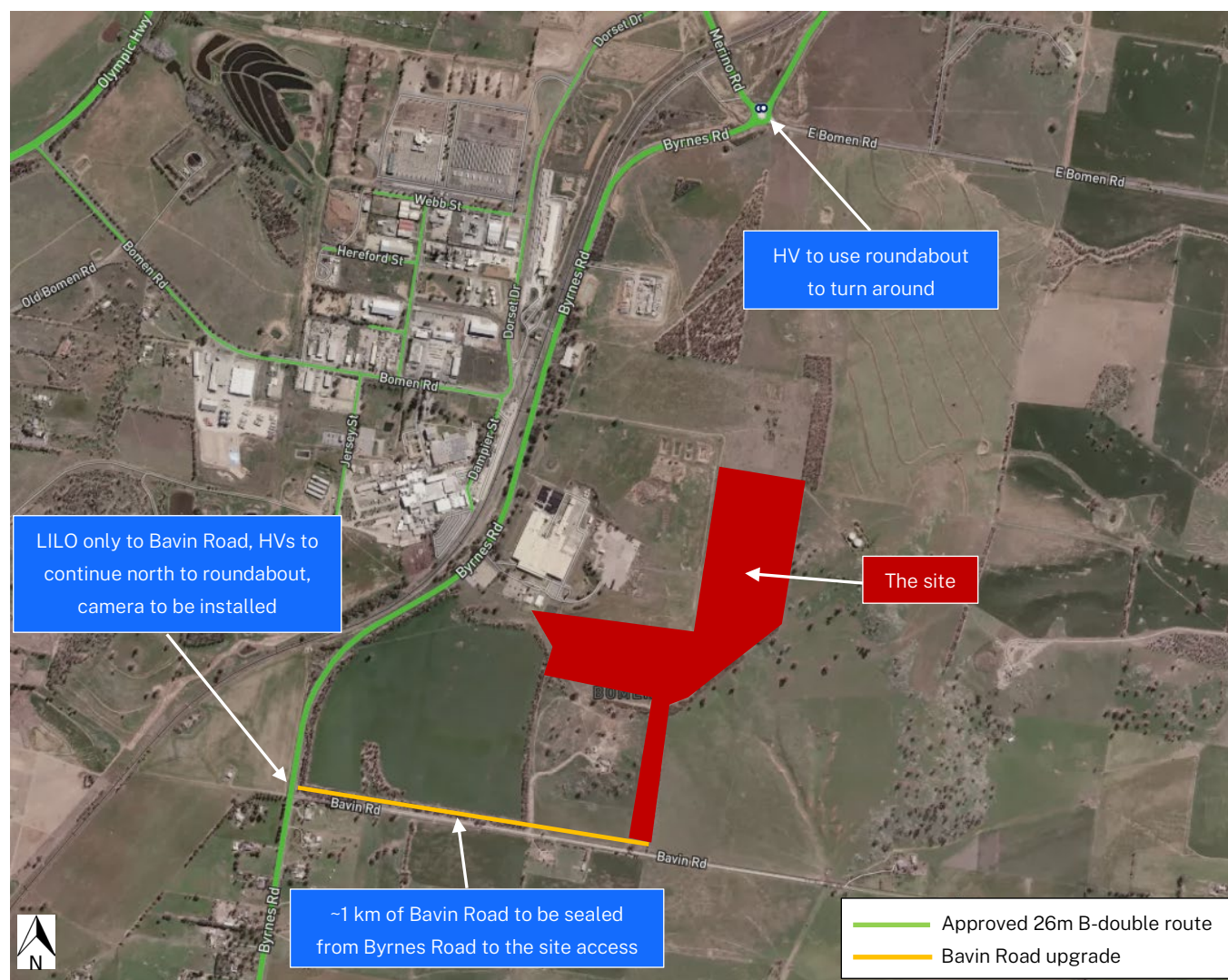


Figure 11 | HV Access Arrangements

In response to the submitter's request for the Applicant to consider alternative access arrangements, the Applicant confirmed that use of the ROW easement was investigated, however, an agreement with the landholder could not be reached. Additionally, the ROW only permits access for Transgrid and therefore cannot be used by the Applicant for construction or operational purposes, other than for the substation connection works (which are to be carried out by Transgrid). This was supported by Transgrid's advice which stated access to its infrastructure must not be obstructed. Further, access through the approved private subdivision (DA 25/10636) was not considered a viable option as it is a private development.

Government Authority Advice

TfNSW did not raise any concerns regarding the proposal and recommended the Applicant be required to obtain and comply with the necessary permits and approvals for the proposed OSOM movements and prepare a TMP in consultation with TfNSW and Council prior to the commencement of the development. TfNSW confirmed no further State Road upgrades would be required as a result of the development.

Council advised it was supportive of the proposed LILO traffic arrangement at the Byrnes Road / Bavin Road intersection as this design would result in minimal long-term restrictive impacts to surrounding landowners. Council recommended conditions requiring a TMP prior to construction, the upgrade, sealing and maintenance of Bavin Road and for ongoing maintenance of this road to be the responsibility of the Applicant. As an integrated approval body, Council issued its GTAs for the development, noting the Applicant would need to seek a section 138 approval under the *Roads Act 1993* for any works within the road reserve.

Department's Assessment

The Department is satisfied the Applicant's revised TIA, including the OSOM haulage route assessment, provides a robust consideration of predicted traffic impacts, and has been prepared to the satisfaction TfNSW and Council, the relevant road authorities. A suite of traffic management measures is proposed that will ensure the development is unlikely to result in impacts to road network capacity, efficiency or safety. This includes the diversion of construction traffic to avoid potential safety concerns and conflicts at the Byrnes Road / Bavin Road intersection, upgrades to key intersections at the site access and Byrnes Road, and the sealing of the Bavin Road pavement.

To ensure the traffic measures are implemented to the satisfaction of the Planning Secretary, conditions require the Applicant to prepare a TMP prior to the commencement of construction that details the measures that will be implemented to minimise traffic impacts during construction, upgrading or decommissioning works. The TMP must include separate TMPs for managing heavy vehicles that require escort to the site, temporary traffic controls, including detours and signage for the proposed LILO construction access arrangements at the Byrnes Road / Bavin Road intersection and turnaround point at the Byrnes Road / Bomen Road roundabout, and a monitoring camera at the LILO access point to record development related vehicle movements into and out of Bavin Road. The Applicant is required to develop and implement a program to review the footage at fortnightly intervals and in response to any complaints from the public or Council.

To ensure safety for pedestrians along Bavin Road, the TMP must include measures to maintain safe pedestrian access along Bavin Road between Bavin Road and the site access, including any appropriate verge clearing, grading and landscaping. The Applicant must also notify the local community about potential development-related traffic impacts and must schedule OSOM movements to avoid conflicts with other OSOM movements and cumulative traffic impacts with other developments in the area. Potential for conflicts with school buses and other road users must be

minimised, including preventing queuing on the public road network and maintaining a safe bus pick and drop off area at the Byrnes Road / Bavin Road intersection.

A complaints procedure must also be incorporated into the TMP to ensure any complaints from the community are appropriately addressed and actioned efficiently and effectively by the Applicant.

To avoid vehicle conflicts on Bavin Road, which is not wide enough to allow two HVs to pass each other, the TMP must also include details of how the arrival and departure of vehicles to and from the site will be monitored and co-ordinated to ensure that traffic flow is not disrupted on Bavin Road or Byrnes Road. This includes details of how inbound vehicles will be scheduled, controlled and authorised to approach the site, on-site stacking locations, communication and control mechanisms (such as radio contact and real-time oversight) used to co-ordinate inbound and outbound vehicle movements, and thresholds, triggers and decision-making procedures for delaying, rescheduling or diverting inbound vehicles.

A Driver Code of Conduct will ensure drivers adhere to the traffic control measures and all drivers must receive training on the Code of Conduct and other relevant obligations under the TMP. The TMP must also include a program to monitor and report on the effectiveness of traffic management and mitigation measures, including any recorded instances of development related traffic accessing the site from the south on Byrnes Road by turning right across Byrnes Road into Bavin Road. A Trigger Action Response Plan must also be developed and implemented that details contingency mitigation measures for potential traffic related events and/or incidents.

While it is noted the public submission has requested that Bavin Road is not used for construction access, the Applicant has demonstrated that it has investigated the use of the ROW access through 280 Byrnes Road, and this is not a feasible alternative. Similarly, the use of the private property at 330 Byrnes Road, which currently has no direct access to the site, would not be appropriate.

To ensure construction traffic impacts align with the traffic predictions, conditions restrict the number of HV and OSOM movements and the access routes for these vehicles. As Bavin Road is not rated for B-doubles or OSOM movements, the Applicant will need to obtain the relevant approvals from the National Heavy Vehicle Regulator and Council for B-double and OSOM vehicle movements on the road network.

The Department supports the Applicant's proposal to seal Bavin Road between the site access and Byrnes Road and considers the Applicant should be responsible for maintaining this road for the duration of construction, as recommended by Council. To ensure all the proposed road upgrades and intersection works are designed appropriately to cater for development traffic, conditions require the site access driveway, the Byrnes Road / Bavin Road intersection upgrade and the pavement sealing of Bavin Road to be designed and constructed to accommodate a 26-metre B-double to the satisfaction of Council and for a section 138 approval under the *Roads Act 1993* to be obtained for these works.

Additionally, to ensure there are no detrimental impacts to private driveways along the upgraded section of Bavin Road, conditions also require the private access driveway crossovers to 77 and 78 Bavin Road, Bomen, to be sealed. Private access driveways are not permitted to be used during construction or operation of the development.

A dilapidation report is required to be undertaken by the Applicant at the following times to ensure any damage to road infrastructure is repaired by the Applicant in consultation with the road authority during construction, upgrading or decommissioning:

- prior to the commencement of construction, upgrading or decommissioning activities
- within one month of the completion of the public road upgrades and intersection works
- within one month of the completion of construction, upgrading or decommissioning activities.

The Department's conditions are consistent with the GTAs issued by Council.

The Department concurs with the conclusions made by the Applicant with regard to construction traffic associated with the Transgrid upgrade works, which is expected to be minimal (3 HV, seven LV) and will occur over a very short period (approximately six weeks). Therefore, the Department agrees with the Applicant's decision to not upgrade the Byrnes Road intersection with the ROW and considers the justification provided is acceptable. Council did not raise any concerns regarding the Transgrid construction works or the site access arrangements for these works.

As operational traffic is predicted to comprise approximately two light vehicle trips per day, the Department is satisfied operational traffic impacts will be negligible.

The Department's assessment concludes development traffic is unlikely to cause adverse impacts on the local and broader regional road network subject to implementation of the recommended conditions of the consent and adherence to an approved TMP.

6.2 Noise and Vibration

Construction of the BESS will involve a range of noisy plant and equipment. During operation, battery modules, power conversion system (tonal in nature) and transformers will generate noise that may impact surrounding receivers. The residences at 77 and 78 Bavin Road, Bomen, (Receivers 2 and 3) are the closest residential receivers, located approximately 620 m and 800 m to the southwest of the BESS site, respectively. The closest industrial receiver is approximately 550 m west of the site (Receiver 4) (see **Figure 12**).

Performance Criteria PC62 of the Wagga Wagga SAP Delivery Plan seeks to ensure the acoustic impact on the amenity of existing noise-sensitive receivers is minimised. The public submission objecting to the development raised concerns regarding noise impacts.

Applicant's Assessment

Construction Noise and Vibration

The Applicant's Noise Assessment predicted construction noise impacts may exceed the EPA's Interim Construction Noise Guideline (ICNG) noise management level (NML) of 45 dB(A) at various stages of construction at several residential receivers (14 residential receivers affected).

Predicted impacts may exceed the NML by between 2 dB and 25 dB during the public road upgrades (Receiver 3 most affected), between 1 dB and 17 dB during the access road construction (Receiver 2 most affected) and between 1 dB to 11 dB during the remainder of the 12 to 18 month construction period (Receiver 2 most affected). Receiver 2 will experience noise above the NML during all stages of construction, except for site rehabilitation and vegetation clearing. Predicted noise impacts would remain below the highly noise affected level of 75 dB(A) at all receivers during all construction stages, however, there is a potential for the noise from the public road upgrades to be close to the highly noise affected noise management level when works occur close to Receiver 3 (predicted to be up to 70 dB(A)).



Figure 12 | Sensitive Receivers

As works associated with public road upgrades to Bavin Rd are expected to occur at distances less than 50 m to Receiver 3 (78 Bavin Road), the Applicant's assessment predicted that vibration may also occur at this receiver for very short periods (likely only a few days) during the Bavin Road upgrade

works due to the use of vibratory rollers. Mitigation measures proposed include respite periods and the use of appropriately sized vibratory rollers.

The Applicant considers the assessment of construction noise impacts is conservative as it assumed the five noisiest equipment would be operating simultaneously, and advised that due to the nature of construction works, the duration of noise impacts above the NML would only occur for a limited portion of the overall construction timeframe.

To reduce construction noise and vibration impacts, the Applicant has committed to adopting all feasible and reasonable work practices and mitigation measures during construction in accordance with the ICNG and as documented in the Applicant's NVIA. These measures are to be detailed in a Construction Noise and Vibration Management Plan (CNVMP) and include measures such as staff training, quieter equipment selection, use of quieter construction methodologies, orienting mobile machinery to maximise the distance between engine exhausts and receivers, use of electric motors, exhaust silencers and engine covers, avoidance of tonal reversing or warning alarms, equipment maintenance, screening of noisy stationary equipment, scheduling of activities and providing respite periods, community consultation and complaints handling.

Operational Noise

Operational noise modelling was conducted under worst-case noise-enhancing meteorological conditions, consistent with Fact Sheet D of the Noise Policy for Industry (2017) (NPfI). Operational noise levels are predicted to comply with the residential project noise trigger levels (PNTLs) of 40 dB(A), 35dB(A) and 35 dB(A), at R18, and the PNTL of 68dB(A) for industrial receivers, during the daytime, evening and night-time periods, respectively.

The Applicant's sleep disturbance assessment confirmed that predicted operational noise would be below the nominated sleep disturbance criteria at all residential receivers.

Government Authority Advice

None of the government authorities raised any concerns regarding noise impacts.

Department's Assessment

The Department considers the Applicant's Noise Assessment provides an evidence-based conservative prediction of noise impacts from construction and operation of the development and has been prepared in accordance with relevant guidance. While the Department notes that the assessment has predicted construction noise impacts would remain below the highly noise affected level of 75 dB(A), there may be some short-term noise impacts during the public road upgrade works and construction of the development. This is discussed further below.

Construction Noise and Vibration

Construction noise levels are predicted to exceed the NML of 45 dB(A) at several receivers, however, the Department notes the greatest exceedances are predicted to occur during the public road upgrades and site access road construction. These works will only be for a short period of time and

will occur prior to the commencement of construction of the BESS infrastructure at the site. The Applicant has proposed a range of feasible and reasonable mitigation measures documented in a CNVMP to reduce noise impacts during all stages of construction, including the public road upgrade works, and it is therefore expected that construction noise impacts will be less than predicted at receivers, subject to the implementation of the CNVMP.

The Department notes the *Australian Standard AS2436: Guide to noise and vibration control on construction, demolition and maintenance sites*, indicates that the noise control measures proposed to be implemented by the Applicant, such as increasing the distance between the source and receiver, temporary screening, acoustic enclosures, engine silencing and use of electric motors, can reduce noise impacts by between 5 and 25 dB. It is therefore expected that implementation of the measures proposed to be implemented by the Applicant will reduce the predicted noise impacts.

Furthermore, the Department acknowledges that construction noise impacts would be experienced during the daytime only and are not uncommon for construction works in a rural setting. In this regard, conditions require construction to occur during standard construction hours unless works are inaudible or at the nearest sensitive receivers or are agreed to in writing by the Planning Secretary.

To ensure noise impacts are minimised, conditions require the Applicant implement all reasonable and feasible measures in accordance with the ICNG during all stages of construction, and to manage noise impacts in accordance with the CNVMP approved by the Planning Secretary. The CNVMP must be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary and must describe the procedures for minimising noise during all stages of construction, including the road upgrade works. This includes describing specific strategies for managing high noise generating works such as the site access road construction and public road upgrades.

To ensure the adopted noise management strategies directly respond to the sensitivities of the affected receivers, the Applicant must develop construction noise management measures for high noise generating works in consultation with the community. This will enable the Applicant to identify the particular sensitivities of the community and particular times or activities that are most disruptive, and tailor mitigation measures accordingly. Consultation with the community will provide more meaningful strategies for respite periods and determine agreed times for the scheduling of particularly noisy activities, and if required, the temporary relocation or alternative arrangements for highly affected residences. Consultation will help set realistic expectations, provide advance notice of works, and will provide more effective mitigation selection with a view to minimising complaints.

With respect to vibration, the Department is satisfied that vibration impacts experienced at Receiver 3 during the use of vibratory rollers are likely to be of a very short duration with the majority of road upgrade works being carried out at appropriate working distances to avoid adverse impacts to the adjoining properties. Conditions require the CNVMP to include strategies that have been developed

in consultation with the directly adjoining properties for managing vibration, such as alternative construction methods with lower source vibration levels and provision for respite periods.

All consultation carried out with the community must be documented in the CNVMP to demonstrate how the final noise and vibration management strategy has been developed. Additionally, a procedure for receiving and responding to any complaints regarding construction noise impacts must be documented in the CNVMP, which must include details of when and how attended monitoring will be performed in response to any complaints to verify noise impacts and details of what actions will be taken to address any exceedances of the NMLs.

Operational Noise

While the operational noise assessment predicts compliance with the PNTLs for all periods at all receivers, the Department considers it would be appropriate to verify operational noise impacts following the commencement of operation of the development given the proximity to residential receivers and the concerns raised in the public submission. Monitoring must be undertaken during the day, evening and night periods during operational, temperature and meteorological conditions that would represent typical worst-case scenarios. The verification report must include an analysis of compliance with the noise limits specified in the consent and consistency with the predictions in the Applicant’s Noise Assessment, an outline of mitigation measures and their effectiveness at reducing operational noise, and a description of contingency measures in the event the implemented mitigation measures are not effective at reducing noise levels to comply with the consented limits at all times.

Conditions require the Applicant to take all reasonable and feasible measure to ensure compliance with operational noise limits at sensitive receivers.

Conclusion

Subject to the implementation of the recommended conditions, including the adoption of all reasonable and feasible measures to minimise construction and operational noise, the Department’s assessment concludes the development is unlikely to cause adverse noise impacts and is unlikely to impact the amenity of the locality.

6.3 Other Issues

A summary of the Department’s consideration and assessment of other issues related to the development are provided in **Table 5** below.

Table 5 | Assessment of Issues

Findings and conclusions	Recommended conditions
Energy Security	
The development aligns with a range of Commonwealth and State policies (see Section 1.3), which identify the need to diversify the energy generation	No conditions required

Findings and conclusions

Recommended conditions

mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability.

- The development would support the State's continued transition away from traditional power generation derived from fossil fuels, which is largely dispatchable, to renewable energy generation such as wind and solar, which is inherently variable.
- The AEMO's 2024 Integrated System Plan (ISP) forecasts that there will be a demand for 36 gigawatt (GW) / 522 GWh of energy storage capacity in the National Electricity Market by 2034-35, and 56 GW / 660 GWh by 2049-50. The ISP highlights the need for different forms of storage to support this growth, by providing storage of varied depths and technologies to time-shift electricity supply and smooth out peaks and troughs in renewable generation.
- The development's location within the Wagga Wagga SAP would mean it contributes to achieving the SAP's principle to achieve net-zero emissions and 100% energy self-sufficiency.
- Battery storage, such as this one, provides 'firming capacity' by contributing to dispatchable energy availability during peak energy demands or when renewable production is low.
- Importantly, the project would also contribute to energy security and reliability by providing frequency control ancillary services, meaning the project would contribute to energy supply.

Hazard and Risk

- Risks associated with BESS developments include fires or explosions associated with a lithium-ion battery fault/malfunction resulting in thermal runaway (overheating of chemicals in the battery) and toxic gas dispersion. This may result in off-site risks to surrounding land and people.
- Performance Criteria PC58 of the Wagga Wagga SAP Delivery Plan states potentially hazardous industries must be appropriately managed to protect human health, property and the biophysical environment. A Preliminary Hazard Analysis (PHA) is required for potentially hazardous development in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).
- The Applicant's PHA identified the potential hazardous events and considered the above risks. The PHA concluded all risks were minimal given there is adequate separation distances between the battery modules (to prevent fire propagation between battery cells) and the development is well separated from sensitive receivers.
- FRNSW recommended conditions requiring the applicant to prepare a FSS, a comprehensive Emergency Plan, and an ESIP in accordance with relevant Department and FRNSW guidelines.
- EPA recommended the Applicant provide details of a safety system including, but not limited to, fire detection and suppression.
- The Department is satisfied the PHA has been prepared in accordance with the Resilience and Hazards SEPP and the relevant Hazardous Industry

Require the Applicant to:

- limit the scale of the development to a maximum discharge capacity of 132 MW and maximum storage capacity of 528 MWh
- prepare and implement a FSS, Emergency Plan and ESIP
- limit the quantities of DG stored and handled at the site to below the threshold quantities in Applying SEPP 33
- store and handle DG in accordance with Australian Standards and relevant EPA guidelines

Findings and conclusions

Recommended conditions

Planning Advisory Papers. The PHA has demonstrated the volume of dangerous goods (DG) on the site would be unlikely to exceed the threshold limits in the Department's Hazardous and Offensive Development Guidelines 'Applying SEPP 33' and the development is not 'potentially hazardous'.

- The PHA has demonstrated the 4.05 ha area allocated for the BESS is sufficient for the 126 BESS modules and other associated equipment, allowing for conservative separation distances which exceed the minimum requirements specified in the National Fire Protection Association (NPFA) standard – *NPFA 855: Standard for the Installation of Stationary Energy Storage Systems*, to minimise risk. Fire testing in accordance with national standards has demonstrated the fire propagation risk is unlikely.
- The Department considers the BESS is sufficiently separated (650 m) from residential receivers, therefore off-site risks are expected to be minimal.
- The Department notes the PHA has not considered electromagnetic field (EMF) as a risk, however, as the strength of an EMF attenuates rapidly with distance, the Department considers off-site impacts will be negligible.
- To ensure residual risks are managed, a range of conditions have been recommended requiring the scale of the BESS be limited to align with the risk assessments undertaken, the studies and plans recommended by FRNSW, and unauthorised access be restricted to minimise potential damage to assets through installing security fencing and security lighting.
- The Department's assessment concludes that with these conditions, the hazards and risks associated with the development can be managed.

- install security fencing in accordance with the DA plans

Landscape Character and Visual Amenity

- The BESS will change the character of the existing rural landscape. The Wagga Wagga SAP Delivery Plan states the RAZ performs an important function in providing for sufficient separation from industries to sensitive land uses, as well as maintaining the attractive rural landscape setting, and provides performance criteria to achieve this (PC39).
- PC39 requires a minimum 10 metre privately owned and maintained landscaped buffer to site boundaries and for landscaping and screening to help integrate new uses and developments into the rural landscape.
- The public submission objecting to the proposal (closest adjoining neighbour to the southwest) raised concerns regarding visual impacts during construction and operation of the development and requested additional tree screening to their property along the eastern and southern boundaries, screening around the development and for lighting to be turned off at dusk, consistent with Transgrid practice.
- The SEE reported the BESS would be low scale (4 m in height) with only internal substation structures up to 8 m above ground level. The Applicant considers the visual presentation of the proposed development would be congruous with the nature of the adjoining zone substation and would sit adjacent to other established industrial buildings fronting Byrnes Road.
- The Applicant also notes that the existing Transgrid substation is in an area identified as a 'visually sensitive location' in the Delivery Plan, however the

Require the Applicant to:

- establish the vegetation in the Landscape Plan prior to the commencement of operation of the development and maintain the landscaped areas for the life of the development
- minimise the visual impact of infrastructure, including the selection of colours and finishes
- minimise off-site lighting impacts, including compliance with AS/NZS 4282:2023
- notify the landowners of 77 Bavin Road, Bomen

Findings and conclusions

proposed BESS is not. Notwithstanding, engagement with the adjoining neighbour to the southwest has identified that the BESS may be partially visible from this property, however, is unlikely to be visible from any properties to the south.

- To mitigate residual visual impacts, the Applicant proposes to establish a 10 m vegetated buffer to the northern, western and part of the southern boundary of the site, outside the proposed 2 m high security fence. Proposed species have been selected from the planting palette in the Wagga Wagga SAP Delivery Plan. This has been detailed in a Landscape Plan.
- As an existing 20-metre-wide tree belt already provides boundary screening along the eastern and southeastern site boundary, no additional landscaping is proposed along these boundaries. The SEE notes the 20-metre-wide tree belt is the subject of a timber forestry and carbon sequestration right and would therefore not be removed.
- In response to the concerns raised by the adjoining landowner, the Applicant has also committed to providing additional screening within that property to further supplement their existing landscaping. Once established, the Applicant is of the view maintenance of the landscaping should be the responsibility of the landowner. Consideration will also be given to the colours, type and height of the facility to ensure minimal contrast and to help blend into the surrounding landscape to the extent practicable.
- With respect to lighting impacts, the Applicant has committed to shut off lighting consistent with the times at the adjoining Transgrid substation. External lighting will be installed to comply with Australian Standard AS/NZS 4282:2023 – *Control of obtrusive effects of outdoor lighting*.
- Council did not raise any concerns regarding visual impacts.
- The Department considers the SEE and Landscape Plan demonstrate consistency with Performance Criteria PC39. The Department is satisfied the Applicant has developed a landscape plan to provide screening and landscaping improvements to minimise the visual impact of the proposed development, in accordance with the Wagga Wagga SAP Delivery Plan.
- The Department notes the existing vegetation provides some visual mitigation to the adjoining residence, however, additional screening is required to further mitigate residual visual impacts to the residence.
- To ensure the Applicant's mitigation measures are implemented to manage residual impacts, conditions require implementation of the Landscape Plan and maintenance of the landscaped areas for the life of the development. Conditions also require the Applicant to select colours and finishes to blend with the surrounding landscape and to minimise off-site lighting impacts, including compliance with AS/NZS 4282:2019.
- While the Applicant has committed to enter into a negotiated agreement with the adjoining landowner in relation to the development, it is understood this has not yet been entered into. As such, to ensure visual impacts at this residence are mitigated, conditions require the Applicant to notify the landowner prior to construction they are eligible to have mitigation on their

Recommended conditions

- that they are eligible to have visual mitigation screening on their property and provide evidence of that consultation
- implement the screening within six months of a request from the landowner for screening (only one request permitted).

Findings and conclusions

Recommended conditions

property to minimise visual impact of the development, and to provide evidence of that offer to the Planning Secretary.

- The extent of screening must be reasonable and feasible, aimed at reducing the visibility of the development from the dwelling and its curtilage, and commensurate with the level of visual impact on the dwelling. The Department considers it would be reasonable for the Applicant to establish the vegetation screening, but for the landowner to be responsible for ongoing maintenance.
- The Department is also satisfied the proposed lighting will be appropriately designed in accordance with Australian Standards and will be shutoff to align with the existing Transgrid Substation. Additional lighting impacts are therefore unlikely.
- The Department's assessment concludes the visual impacts of the development on surrounding public spaces and sensitive receivers will be minimal subject to the implementation of the proposed mitigation measures. The development would not fundamentally change the broader landscape characteristics of the area.

Aboriginal Cultural Heritage

- An area of Aboriginal cultural significance known as the Bomen Axe Quarry Aboriginal Place exists approximately 500 m to the north of the site and is located along the same ridgeline that extends into the site. There is potential for Aboriginal cultural heritage objects and values to be found at the site and be impacted by the development.
- The Applicant's ACHAR and subsurface test excavations carried out at the site confirmed there were no Aboriginal objects or sites of Aboriginal cultural significance present on the site. Consultation with Registered Aboriginal Parties (RAPs) also confirmed there were no areas of cultural significance affected by the development.
- However, the ACHAR did identify a spur landform that exists along the eastern site boundary that is on the same ridgeline as the Bomen Axe Quarry Aboriginal Place. The ACHAR recommend that any future modifications to the development avoid the spur landform as it may contain sensitivity.
- The Applicant has committed to implement the recommendations of the ACHAR, which include restricting laydown areas to within the development footprint, developing an Aboriginal cultural heritage awareness training program in consultation with the RAPs for site personnel, an unexpected finds protocol and avoidance of the spur landform.
- Heritage NSW advised it concurred with the findings and recommendations of the Applicant's ACHAR.
- The Department is satisfied the Applicant's ACHAR, test excavations and consultation have been carried out in accordance with the relevant Heritage NSW guidelines and provide a robust assessment of potential impacts on Aboriginal cultural heritage. The assessment demonstrates there will be no impact on any items or areas of Aboriginal cultural significance as a result of the development.

Require the Applicant to:

- prepare an Aboriginal cultural awareness training program in consultation with the RAPs to be implemented as part of the CEMP
- implement an unexpected finds protocol for the duration of the development.

Findings and conclusions

Recommended conditions

- Conditions require the Applicant to prepare and implement an Aboriginal cultural awareness training program as part of the site CEMP, consistent with the recommendations of the ACHAR. An unexpected finds protocol must also be implemented during any works being carried out for the development in the event any Aboriginal objects are found.
- With respect to the spur landform, the Department is satisfied the proposed development design, including the site access road, avoid the spur landform and this area will therefore not be impacted by the development.
- The Department's assessment concludes the development does not contain any objects or area of cultural significance and any unexpected finds will be appropriately managed and protected in accordance with the recommended conditions and the provisions of the *National Parks and Wildlife Act 1974*.

Biodiversity

- Construction of the development may impact on areas of medium and high biodiversity value that exist on the site, as mapped in the Wagga Wagga SAP Delivery Plan. Performance Criteria PC47 of the Delivery Plan seeks to protect and enhance native vegetation and areas of high value biodiversity through landscaping and open spaces. Development must be sited, designed and managed to protect high value biodiversity areas.
 - The SEE confirmed the site access road avoids high value and medium value biodiversity areas by following the alignment of an existing access track on the site. The BESS development footprint would be sited within an area of already cleared land with no biodiversity value.
 - While the development design avoids any direct impacts to biodiversity, the Applicant has committed to establish exclusion zones around the identified biodiversity areas during construction to avoid inadvertent impacts. In addition, biosecurity and hygiene controls will be included within the Construction Environmental Management Plan to prevent the introduction of pests, weeds or disease.
 - The Applicant's Landscape Plan also provided details of tree protection measures, including fencing and trunk and branch protection, for existing trees along the eastern boundary of the site.
 - CPHR agreed there is no likelihood of significant impact on threatened species and no further assessment of biodiversity impacts is required.
 - The Department is satisfied the Applicant has demonstrated that areas of biodiversity value on the site will be avoided and can be suitably protected during construction and operation of the development. To ensure this occurs, conditions require the Applicant to protect all trees retained on the site in accordance with *Australian Standard 4970:2009 – Protection of Trees on Development* and the Applicant's Landscape Plan for the duration of the development.
 - Conditions also require establishment of the exclusion zone around the vegetation on both sides of the site access road to protect the areas of biodiversity value adjacent to the site access road.
- Require the Applicant to:
- protect all trees in accordance with relevant Australian Standards and the Applicant's Landscape Plan for the duration of the development
 - establish an exclusion zone along the eastern and western side of the site access road to protect the areas of high value biodiversity.

Findings and conclusions

Recommended conditions

- The Department's assessment concludes the design of the development and the Applicant's proposed mitigation measures meet the requirements of PC47 and the development is unlikely to result in any adverse impacts or loss of biodiversity.

Bush Fire

- The site is mapped as Bushfire Prone land and contains medium bush fire risk vegetation (Vegetation Category 3). Performance Criteria PC54 in the Wagga Wagga SAP Delivery Plan requires compliance with the requirements of *Planning for Bush Fire Protection* (PBP).
 - A Bush Fire Assessment (BFA) was submitted with the SEE addressing the requirements of PBP and the requirements of the Wagga Wagga SAP Delivery Plan.
 - To actively manage bush fire risk, the Applicant proposes to implement a suite of management measures, including (but not limited to) a minimum 11 metre APZ around the development infrastructure, maintaining the APZ as an inner protection area (IPA) as required by PBP, designing internal roads to meet property access requirements in line with PBP, and the provision of a static water source (one water tank with a capacity of 200 kilolitres (kL)).
 - To ensure construction and operational staff know how to respond in the event of a bush fire, the Applicant also proposes to prepare a Bush Fire Emergency Management and Operations Plan (BFEMP).
 - The RFS recommended the Applicant incorporate the Applicant's proposed bush fire protection measures as detailed in the BFA, and the BFEMP adequately address hazards and risks and include suitable controls for the decommissioning stage.
 - The Department is satisfied Applicant's assessment of bush fire risks has been carried out in accordance with PBP and the Applicant has committed to incorporate the management measures recommended in the BFA, which are supported by the RFS. The implementation of the suite of bush fire mitigation and management measures will minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting with fire-fighting activities. As such, these requirements have been adopted in the Department's recommended conditions.
 - The Applicant's proposed BFEMP will ensure suitable emergency and evacuation arrangements are in place for staff at the development. The BFEMP can be incorporated into the overarching Emergency Plan for the development, to address the recommendations of the RFS and FRNSW.
 - The Department's assessment concludes the risk of bush fire can be managed and in the event of a bush fire, an appropriate evacuation plan will be in place to ensure the safety of staff.
- Require the Applicant to:
- establish an 11 m wide APZ around the development and maintain the APZ as an IPA
 - ensure access roads comply with the requirements of PBP
 - provide fire-fighting water supply and utilities infrastructure in line with PBP requirements
 - prepare and implement a BFEMP as part of the site Emergency Plan.

Stormwater

- Hardstand for the development will increase the area of impervious surfaces at the site which has the potential to result in an increase in polluted runoff discharged from the site. Polluted runoff may adversely impact the
- Require the Applicant to:

Findings and conclusions

downstream receiving environment and cause off-site flooding. The Wagga Wagga SAP Delivery Plan requires on-site detention to manage flows from new development and additional on-site treatment where necessary to achieve the precinct water quality objectives.

- Construction of the development has the potential to alter surface water drainage patterns and soil disturbance may cause sedimentation. The Applicant has committed to managing construction water quality impacts through the implementation of erosion and sediment control measures.
- The proposed operational stormwater quality treatment train incorporates the use of a piped network, cut-off drains, and a 1,200 cubic metre (m³) detention basin.
- The Applicant's Stormwater Management Report demonstrated through MUSIC water quality modelling that the required pollutant reduction targets for suspended solids (80%), total nitrogen (45%), total phosphorous (60%) and gross pollutants (90%) (as defined in the Wagga Wagga SAP Delivery Plan) can be met. DRAINS hydraulic modelling demonstrated the proposed stormwater infrastructure would ensure there was no increase in runoff volume or flow because of the development for all events up to and including a 1% Annual Exceedance Probability (AEP) event.
- The Applicant proposes a suite of mitigation measures to minimise stormwater impacts, including ESC measures during construction, on-site stormwater detention to capture runoff and maintain pre-development flow rates, piped discharge to a level spreader downstream of the detention basin to return the concentrated discharge to sheet flow. The Applicant's SMP concluded the measures meet the Delivery Plan requirements.
- The Department considers the Applicant's revised SMP demonstrates the proposed stormwater infrastructure can adequately manage the increase in stormwater runoff and will ensure pre-development flows can be maintained and pollutant reduction targets can be met. Conditions require the Applicant to install and maintain the stormwater infrastructure as described in the SMR.
- The Department's assessment concludes the development is unlikely to cause off-site water quality or surface water flooding impacts.

Recommended conditions

- install suitable erosion and sediment control measures on site prior to the commencement of construction
- finalise the detailed design of the stormwater management system
- install the stormwater management system in accordance with the finalised detailed design prior to the commencement of operation of the BESS
- maintain the stormwater management system for the duration of the development.

Water Supply

- During construction, water will be required, primarily for dust suppression. During operation, the development would require approximately 50 kL per annum of potable water for the proposed O&M building. Approximately 30 kL of non-potable water would be needed for landscape establishment activities in the initial stages.
- The SEE confirmed a 200 kL water tank is proposed on-site to cater for potable water supply to the O&M building, landscape screening establishment and firefighting static supply. The development does not propose groundwater extraction from the site as water would be transported to the site by tankers.

Require the Applicant to:

- ensure there is sufficient water (potable and non-potable) for all stages of the development.

Findings and conclusions

Recommended conditions

- A portion of water will be collection from the O&M building rooftop via rainfall, with the balanced trucked to site.
- Council and the RFS did not raise any concerns regarding water supply.
- Noting the above, the Department has recommended a condition requiring the Applicant to ensure there is sufficient water for all stages of the development.
- The Department's assessment concludes the development would have negligible impacts on water resources and will not impact on the town's drinking water supply. Sufficient water will also be available for fire fighting purposes.

Waste Management

- Construction, operation and decommissioning of the development will generate various types of waste. Appropriate management and disposal of waste is required, especially for end-of-life lithium-ion batteries, which would be classified as hazardous waste under the EPA's *Waste Classification Guidelines*.
 - The Applicant prepared a Waste Management Plan (WMP) that included classification of the various development waste streams, approximately quantities, storage and treatment onsite, sampling and testing requirements, proposed re-use/recycling/disposal methods and re-use/recycle targets.
 - The WMP included a suite of mitigation and management measures to ensure the re-use/recycle targets are met, waste disposal is appropriately managed, tracking of waste and the appropriate permits/approvals are obtained for the transport and disposal of hazardous waste.
 - The Department notes that an environment protection licence (EPL) from the EPA may be required to transport higher risk wastes and compliance with relevant DG transport legislation is required when transporting batteries considered DG.
 - The Department is satisfied the WMP provides an appropriate approach to waste management in line with the waste hierarchy and consistent with relevant EPA guidance on waste classification and management. Conditions require implementation of the WMP for the life of the development.
 - The Department has also recommended conditions requiring the Applicant to minimise waste generated by the development, remove all waste as soon as practicable, and to dispose of unrecyclable waste at a licenced facility. This includes the requirement to consult with Council should Council's waste facilities be used.
 - Accordingly, the Department's assessment concludes the waste generated by the development would be appropriately managed.
- Require the Applicant to:
- implement the WMP for the life of the development
 - minimise waste generated by the development
 - classify waste in accordance with the EPA's Waste Classification Guidelines
 - not receive or dispose of any waste on site
 - remove all waste from the site as soon as practicable and ensure it is reused, recycled or sent to an appropriately licensed facility for disposal (in consultation with Council for use of Council's waste facilities).

Change in Land Use

- The development would result in the loss of approximately 4.06 ha of agricultural land for the life of the BESS (approximately 20-25 years).
- Require the Applicant to:

Findings and conclusions

Recommended conditions

Infrastructure associated with the BESS has the potential to be incompatible with the adjoining agricultural land within the RAZ to the south, east and west of the site.

- The SEE confirmed the site is currently used for grazing and has historically been used for cropping. While the proposed development would prevent the continued agricultural use of the land for the duration of the development, the proposed use is a permitted use by way of a specific provision in the Precincts – Regional SEPP.
- The Applicant considers the proposal makes effective use of this land while respecting the constraints posed by significant transmission easements and encumbrances on the site. Furthermore, the Applicant considers the proposal would not be incompatible with the zone objectives, would be visually consistent with the neighbouring Transgrid Zone substation and would provide a transition and buffer between rural and urban land uses to the west without having adverse impacts on the rural character of the area.
- The SEE concludes that while the development would result in the temporary loss of 4.05 ha of agricultural land, the impacts are considered negligible given the small area would not significantly reduce the availability of land for primary production.
- To minimise impacts to the existing agricultural land being used for the BESS, the Applicant proposes to establish landscaping in accordance with the Landscape Plan submitted with the SEE and rehabilitate the land as part of a Decommissioning Plan having regard to relevant Department of Primary Industry guidance.
- The Department notes the Precincts – Regional SEPP was amended to specifically permit development for the purposes of electricity generating works used for electricity storage in the RAZ.
- Furthermore, the RAZ objectives seek to ensure developments provide a transition between the industrial uses and the surrounding rural and residential uses to mitigate land use conflict. This is supported by performance criteria that ensures development is compatible with the site context and designed and sited to minimise conflict, including the use of landscaping and screening. The proposal is considered consistent with the RAZ objectives and the performance criteria in the Delivery Plan regarding landscaping and visual amenity (as discussed above).
- Furthermore, the Department is satisfied the impacts are acceptable given the small area of agricultural land and does not significantly reduce the availability of land for primary production in the region. Ultimately when the BESS is decommissioned it can be returned to an agricultural use, if deemed appropriate, at that time.
- To ensure the site is returned to its pre-existing use as agricultural land in a suitable condition for that use, conditions require the Applicant to decommission and rehabilitate the site within 18 months of the cessation of operations. The Applicant must rehabilitate the site to achieve a set of rehabilitation objectives, including minimising visual impacts, decommissioning and removal of BESS infrastructure, and restoration of land to its pre-existing use and land and soil capability.

- decommission and rehabilitate the site to comply with a set of rehabilitation objectives within 18 months of the cessation of operation to the satisfaction of the Planning Secretary.

Findings and conclusions

Recommended conditions

- The Department considers the proposed change in land use is suitable within the land use context of the locality, noting its location within the Wagga Wagga SAP as an additional permitted use in the RAZ. The recommended conditions will ensure the land is returned to its original land use to the satisfaction of the Planning Secretary in a timely manner.

Social and Economic

- The development would generate direct and indirect benefits to the local and broader community, including around \$225 million capital investment into the NSW economy and up to 80 construction jobs and five operational jobs.
- The Applicant is required to pay a contribution of \$1,948,908 to Council in accordance with the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 and section 7.12 of the EP&A Act. This equates to 1% of the development cost.
- The development is unlikely to result in increased demand on community services and infrastructure, and the facility would only require infrequent maintenance visits during operations.
- Overall, the Department considers the development would have positive economic and temporary, minor social impacts on the community.

Require the Applicant to:

- prior to obtaining a construction certificate, pay \$1,948,908 to Council under section 7.12 of the EP&A Act and in accordance with the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034.

Decommissioning and Rehabilitation

- The Department has developed standard conditions for battery projects to cover this stage of the project life cycle, including clear decommissioning triggers and rehabilitation objectives.
- The rehabilitation objectives include achieving a safe, stable and non-polluting site, restoring the land capability to pre-existing productive capacity, and ensuring public safety at all times.
- With the implementation of these measures, the Department considers that the battery would be suitably decommissioned at the end of the project life, or within 18 months if operations cease unexpectedly, and that the site would be appropriately rehabilitated.

Require the Applicant to:

- rehabilitate the site within 18 months of the cessation of operations.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department has considered the development on its merits, taking into consideration the Wagga Wagga SAP Master Plan and Delivery Plan that guide development in the area, the EPIs that apply to the development, and advice received from the relevant public authorities, including Council.

One submission objecting to the development was received from the community and none of the State government authorities or Council have objected to the proposal. The Department has sought to address any issues raised through consultation with both the government authorities and the Applicant. The Department has also discussed the issues of concern with the objector.

The development has been sited and designed to avoid key constraints including areas of high biodiversity value and to minimise and mitigate acoustic and visual amenity impacts to nearby residential receivers. Risks associated with hazards and dangerous goods have been rigorously assessed to ensure the safety of the surrounding land uses. Road network efficiency and safety can be appropriately addressed by the proposed road upgrades and intersection works, and implementation of a suite of construction traffic management measures. Potential land use conflicts with the surrounding rural area have been suitably mitigated with landscaping and appropriate design.

Overall, the Department's assessment has found the development is unlikely to cause any significant adverse amenity impacts during construction or operation subject to the implementation of the Applicant's proposed mitigation measures. Off-site land use safety risks associated with the construction and operation of the BESS and associated infrastructure have been mitigated by ensuring appropriate separation distances between battery modules and sensitive receivers. However, to ensure the potential for residual impacts and risks is minimised, the Department has recommended several conditions, including:

- for hazards and risks - limiting the scale of the development to a maximum discharge capacity of 132 MW and a maximum storage capacity of 528 MWh, the preparation of a FSS, comprehensive Emergency Plan and detailed emergency procedures for the development, limit the quantities of DG stored and handled at the site to below the threshold quantities in Applying SEPP 33, requirements to store and handle all DGs in accordance with Australian Standards and EPA guidance
- for traffic and access – a TMP to be implemented during construction, upgrading and decommissioning and separate TMPs for OSOM movements, a restriction on the number of HV and OSOM vehicles to no greater than the predicted traffic volumes in the TIA, a requirement for HV and OSOM vehicles to use designated access routes, obtain the relevant approvals from

Council and NHVR for OSOM movements along Bulluss Drive, design and construct the site access driveway to the satisfaction of Council, and a requirement to prepare dilapidation reports for access roads prior to and after construction to ensure the Applicant is responsible for the repair of any damage done to any road infrastructure

- for noise – minimising construction noise in accordance with best practice requirements in the ICNG to achieve the NMLs, and implementation of all reasonable and feasible measures to minimise operational noise as required by the NPfI, compliance with standard construction hours and operational noise limits, prepare a CNVMP that describes procedures for achieving the NMLs and minimising vibration impacts, and preparing an operational noise verification report to verify predicted noise impacts and to implement contingency mitigation measures if noise limits are exceeded
- for visual amenity - installing and maintaining a 10-metre-wide landscaped buffer along the northern and western site boundaries, protecting existing vegetation, including areas identified as having biodiversity value and installing additional screening at the adjoining residence (upon request), and ensuring lighting complies with Australian Standards and is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network
- for bush fire risk - establishing a minimum 11 m wide APZ around the development and maintaining the APZ as an IPA, constructing all habitable buildings in accordance with relevant standards, ensuring access roads comply with the requirements of PBP, providing fire-fighting water supply and utilities infrastructure in line with PBP requirements, preparing and implementing a BFEMP as part of the site Emergency Plan, and prepare and implement a FSS.

The Department is satisfied the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. The Department has also recommended conditions for the payment of \$1,948,908 of developer contributions to contribute to infrastructure upgrades within the Wagga Wagga LGA.

On balance, the Department considers the site to be appropriate for a BESS, as it has ready access to major electricity transmission network infrastructure and is suitably zoned for the development. The development aligns with the objectives of the Wagga Wagga SAP Master Plan and the requirements and performance criteria of the Wagga Wagga SAP Delivery Plan. Benefits to the local community would include up to 80 jobs during construction and five operational jobs. Further, the development would provide additional and substantial investment towards improving the reliability of the energy network, storage and firming capacity to the National Energy Market, and additional services to assist grid stability.

The Department considers that these benefits can be realised without any significant amenity or environmental impacts and therefore, considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the **A/Director, Industry Assessments**, as delegate of the Planning Secretary:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the Wagga North BESS (DA26/353) subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix E**).

Recommended by:



29 June 2026

Sally Munk

Principal Planner

Industry Assessments

9 Determination

The recommendation is **adopted** by:



10 July 2026

Joanna Bakopanos

A/Director

Industry Assessments

Glossary

Abbreviation	Definition
Applicant	ib vogt Development Australia Pty Ltd
Council	Wagga Wagga City Council
Department	Department of Planning, Housing and Infrastructure (DPHI)
Development	The development as described in the SEE
DPHI	Department of Planning, Housing and Infrastructure
EDC	Estimated Development Cost
SEE	Statement of Environmental Effects titled ' <i>Wagga North BESS Statement of Environmental Effects</i> ' prepared by NGH Pty Ltd dated 19 December 2025, Revision Final V3.0
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Planning Secretary	Secretary of the Department
SEPP	State Environmental Planning Policy
Submissions Report	The Applicant's response to issues raised in government authority advice titled ' <i>Submissions Report Wagga North Battery Energy Storage System</i> ', prepared by NGH Pty Ltd and dated 2 April 2026, Revision Final V1.0
TfNSW	Transport for NSW

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the development:

Statement of Environmental Effects

- ‘*Wagga North BESS Statement of Environmental Effects*’ prepared by NGH Pty Ltd dated 19 December 2025, Revision Final V3.0

Government Authority Advice

- All advice received from relevant public authorities

Submissions Report

- ‘*Submissions Report Wagga North Battery Energy Storage System*’, prepared by NGH Pty Ltd and dated 2 April 2026, Revision Final V1.0

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix D**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix D**)

All documents relied upon by the Department during its assessment of the application may be viewed here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/wagga-north-bess-da26353>

Appendix B – Submissions and Government Authority Advice

All submissions and government authority advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/wagga-north-bess-da26353>

Appendix C – Community Views for Draft Notice of Decision

Table 6 | Key issues and how they have been considered

Issue	Consideration
Road Safety and Access <i>Bavin Road is not fit for purpose</i> <i>The DA fails to address:</i> • school bus safety obligations • child pedestrian exposure • lack of footpaths, safe verges, speed enforcement, or visibility controls <i>Afternoon traffic coincides with glare, dust clouds, shift workers, other traffic</i>	<u><i>Applicant's Assessment & Mitigation</i></u> In response to issues raised, the Applicant has committed to seal the full length of Bavin Road from the intersection with Byrnes Road to the site access driveway, widen the site access driveway and implement a suite of traffic control measures during construction to ensure the safety of pedestrians and to minimise conflicts with school bus movements and other heavy vehicle traffic. This includes the diversion of heavy vehicles to only permit a left-in left-out (LILO) arrangement at the Byrnes Road / Bavin Road intersection, installation of a traffic monitoring camera to ensure compliance with the LILO arrangement. To ensure safety of pedestrians and avoid conflicts with school buses, the Applicant will co-ordinate development related vehicle movements outside of school bus arrival and departure times. Dust clouds, which may limit visibility along Bavin Road, will be significantly reduced by sealing the road surface. The traffic control measures will be detailed in a Traffic Management Plan (TMP), which will be prepared in consultation with the road authorities and to the satisfaction of the Planning Secretary. Implementation of the TMP will ensure compliance with road safety, road design and vehicle access standards. In addition to the pavement and intersection upgrades, the Applicant will obtain a permit from the NHVR for the use of B-double movements along Bavin Road. <u><i>Department's Assessment & Conditions</i></u> While the Department acknowledges the mitigation measures proposed by the Applicant will go some way to addressing the concerns raised by the submitter, the Department considers additional measures are required to ensure the safety of the community. In addition to the mitigation measures proposed by the Applicant, the Department has required the Applicant to seal the private access driveways from the verge to the property boundary at 77 Bavin Road and 78 Bavin Road as part of the pavement upgrade works, maintain safe pedestrian access along Bavin Road between Byrnes Road and the site access driveway, minimise potential cumulative traffic impacts with other projects in the area,

Issue	Consideration
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maintain a safe bus pick up and drop off area, and monitor and co-ordinate vehicle movements along Bavin Road to ensure traffic flow is not disrupted on the public road network.

The Applicant must develop and implement a Driver Code of Conduct, including a program to ensure all drivers receive training on the Code and any other relevant obligations under the TMP. As part of the TMP, the Applicant must also develop a Trigger Action Response Plan detailing contingency measures for potential traffic related events and/or incidents.

To ensure Bavin Road is maintained for the life of the development, and continues to be safe for the local community, conditions also require the Applicant to prepare a dilapidation report after the road pavement upgrade works, after construction and after decommissioning. The Applicant must repair and make good any development related damage to Bavin Road and the Byrnes Road / Bavin Road intersection in consultation with the road authority.

The Department is satisfied the proposed road upgrades and intersection works will ensure the public road network will be suitable to cater for development traffic. Potential safety and efficiency impacts can be appropriately managed by implementation of the TMP during construction, upgrading and decommissioning of the development.

The Department's assessment concludes development traffic is unlikely to cause adverse impacts on the local and broader regional road network subject to implementation of the recommended conditions of the consent and adherence to the approved TMP.

Dust Impacts

Dust control measures are inadequate

Applicant's Assessment & Mitigation

To minimise dust impacts during construction of the development, the Applicant has committed to seal Bavin Road between the site access driveway and Byrnes Road. Additionally, the unsealed site access track between Bavin Road and the area in which the BESS will be constructed will be graded with blue stone or similar treatment to further reduce dust impacts, in addition to water trucks. A reduced speed limit will be enforced within the site. Standard dust control measures, such as the covering of stockpiles, are also proposed to be implemented.

Department's Assessment & Conditions

While the Applicant has committed to minimise dust by implementing the above measures, the Department considers additional mitigation is required to ensure dust is appropriately managed throughout construction, operation

Issue	Consideration
	and decommissioning of the development to minimise off-site impacts. The Department has recommended conditions requiring the Applicant to ensure that all trucks entering or leaving the site with loads have their loads covered, trucks must not track dirt onto the public road network and any land stabilisation works are carried out progressively on the site to minimise exposed surfaces. The Applicant must take all reasonable steps to minimise dust generated during all works under the consent. The Department is satisfied the Applicant's proposed mitigation measures and the Department's recommended conditions of consent, potential dust impacts have been minimised and any residual impacts can be managed.

Biosecurity and Rubbish

No enforceable strategy addressing:

- biosecurity weeds
- construction rubbish management
- protection of livestock and agricultural land

Applicant's Assessment & Mitigation

To address biosecurity and waste management, the Applicant has prepared and has committed to implement at Waste Management Plan (WMP). The WMP details the expected construction, operational and decommissioning waste streams and outlines how these wastes will be managed and disposed. As required by the Department of Primary Industries and Regional Development – Agriculture, the Applicant has committed to incorporate appropriate biosecurity management measures in the Construction Environmental Management Plan (CEMP) for the development.

Department's Assessment & Conditions

The Department has reviewed the Applicant's WMP and considers the proposed mitigation measures to address biosecurity and waste management are appropriate. To ensure all waste generated during construction, operation and decommissioning of the development, conditions require the Applicant to prepare and implement the WMP for the life of the development. The WMP includes details of the type and quantity of waste generated, the handling, storage and disposal of those waste streams and ensures all waste is taken to appropriately licensed waste and resource management facilities for disposal or recycling. Conditions explicitly state that waste must be secured and maintained within designated waste storage areas and not leave the site onto neighbouring public or private properties.

To ensure biosecurity is addressed for the duration of construction and operation, biosecurity risks are required to be managed by implementing suitable measures to manage pests, vermin and declared priority weeds on the site in accordance with relevant guidance and the Applicant must inspect the site regularly to ensure that these measures are working

Issue	Consideration
	effectively. The CEMP must include biosecurity management measures to be implemented for the duration of construction. To ensure independent oversight on the implementation of all the matters outlined in the conditions, WMP and CEMP, the Applicant is required to engage an independent auditor to audit compliance with the conditions of consent in accordance with the Department's <i>Independent Audit Post Approval Requirements</i>, which require an independent audit to be carried out within 4 to 12 weeks of the commencement of construction and at intervals no greater than 26 weeks. The Department is satisfied the conditions provide a clear enforceable strategy for addressing biosecurity and waste management and land use conflicts are unlikely.
Visual Impact, Privacy, Lighting and Long-Term Amenity <i>Long-term landscape screening is required to protect residential amenity</i> <i>Lighting to be timed off at dusk, consistent with Transgrid practice</i>	<u><i>Applicant's Assessment & Mitigation</i></u> In acknowledgement of the potential for broken views from the adjoining residence to the BESS site and the site access road, the Applicant has committed to screen the western side of the BESS facility to mitigate potential visual impacts and to provide screening within the adjoining land to supplement the existing vegetation within the property boundary. Lighting impacts will be minimised by timing shut off such that it is consistent with the lighting at the Transgrid substation. <u><i>Department's Assessment & Conditions</i></u> While the Department notes the Applicant has documented the proposed screening on the adjoining landowner's property, it is understood this has not been agreed to by the landowner. Conditions therefore require the Applicant to notify the landowners at 77 Bavin Road, Bomen, that they are eligible to have mitigation, such as landscaping or vegetation screening, on their property to minimise the visual impact of the development on their property, and provide evidence of the consultation to the Planning Secretary at least three months prior to the commencement of construction. This offer must be made every year, for three years. Following receipt of the written notification, the landowner may, on one occasion, ask the Applicant to implement reasonable and feasible visual mitigation measures on their land. The Applicant must implement those measures within six months of receiving the written request, unless the Planning Secretary agrees otherwise. As the adjoining landowner raised concerns regarding visual impacts and privacy concerns during both construction and operation of the

Issue	Consideration
	development, visual mitigation at the development must be carried out prior to the commencement of construction. Conditions require the establishment of a landscaped vegetation buffer along the western and northern boundary of the BESS infrastructure as described in the Applicant's Landscape Plan, prior to the commencement of construction. To minimise lighting impacts, conditions require lighting associated with the development to comply with relevant Australian Standards, to be mounted and screened to not create a nuisance to surrounding properties, to be of a low intensity, not shine above the horizontal and to be switched off at times consistent with the lighting schedule for the Transgrid substation. The Department is satisfied visual impacts, privacy, lighting and long-term amenity impacts on adjoining properties will be minimised by implementation of the proposed mitigation measures and the Department's recommended conditions of consent.

Neighbour Consultation and Compensation

If this project proceeds, I expect:

- *equivalent consideration to that afforded to the host landholder*
- *a formal neighbour agreement*
- *compensation or mitigation measures commensurate with long-term impact*

Applicant's Assessment & Mitigation

In response to the concerns raised by the submitter, the Applicant has committed to providing a range of additional mitigation measures to minimise potential impacts. This includes the sealing of Bavin Road, grading and gravel pavement of the site access track, implementation of a detailed TMP, and vegetation screening of the BESS and within the adjoining property.

In addition to the matters addressed through the development application, the Applicant has committed to a once off payment via a Neighbour Undertaking. The Applicant is of the view that the amendments and Neighbour Undertaking compensate or mitigate any long-term impacts.

Department's Assessment & Conditions

The Department considers the SEE and Submissions Report provide evidence that the Applicant has consulted with adjoining landowners and has made a genuine effort to address their concerns by incorporating several additional mitigation measures into the development proposal.

Further engagement with the community is required by the conditions of consent in relation to developing appropriate construction management and mitigation measures for the management of construction noise and traffic impacts and addressing visual mitigation through additional screening on the adjoining property.

Any commercial neighbour agreement between the Applicant and the submitter is outside the scope of the development application and

Issue	Consideration
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conditions of consent and therefore, the Applicant is expected to honour its commitment to enter into this agreement with the submitter.

The Department is satisfied the Applicant has demonstrated genuine consultation has been carried out with the adjoining landowner and has committed to address the concerns raised by implementing additional mitigation as part of the development and separately entering into a neighbour agreement.

Appendix D – Statutory Considerations

Table 7 | Mandatory Matters for Consideration

Matter for Consideration	Department's Assessment
Environmental planning instruments, proposed instruments and development control plans	The Department's consideration of the relevant EPIs (including draft instruments subject to public consultation under the EP&A Act) is provided in Appendix D .
Planning agreements	There is no planning agreement related to the application.
EP&A Regulation	The Department has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation, the findings of which are contained in this report.
Likely impacts	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
Suitability of the site	The site is suitable for the development as it is located close on suitably zoned land adjacent to the Transgrid substation, is permissible with consent, and is consistent with the Wagga Wagga SAP strategic framework.
Public submissions	No public submissions were received.
Public interest	The development would generate up to 80 jobs during construction, five jobs during operation and direct \$224,876,098 in capital investment in the Wagga Wagga local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 15** below.

Table 8 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would generate direct and indirect benefits to the local and broader community, including around \$225 million capital investment into the NSW economy and up to 80 construction jobs and five operational jobs. The Department's assessment has found the development would have negligible impacts on water resources and will not impact on the town's drinking water supply.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department's assessment has considered all social, economic and environmental considerations in a single, holistic assessment and is satisfied the development can avoid environmental and amenity impacts while providing tangible social and economic benefits. The Department is satisfied that the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The development is permissible use which would promote orderly and economic development of land and would provide employment for five operational employees and promote economic growth in the Wagga Wagga LGA.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The development has been designed to avoid impacts to high biodiversity land located on the site. These areas will be protected as exclusion zones during construction and operation of the development.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not contain any items or areas of Aboriginal cultural significance.
(g) to promote good design and amenity of the built environment,	The development is consistent with the design requirements of the Wagga Wagga SAP Delivery Plan.

Object	Consideration
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Applicant is required to construct all buildings in accordance with the Building Code of Australia to ensure structural adequacy.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department has consulted with, and given due consideration to, the technical expertise and comments provided by other Government authorities, including Council. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The application was exhibited in accordance with section 2.22 and Schedule 1 to the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application.

EP&A Regulation

Part 4, Division 1 of the EP&A Regulation requires the consent authority to consider additional matters for certain developments as part of the matters for consideration under section 4.15 of the EP&A Act.

As the development involves demolition during decommissioning, conditions require the Applicant to carry out all demolition in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001)*, in accordance with Part 4, Division 1, section 61(1).

There are no additional matters in Division 1 of the EP&A Regulation that the consent authority must consider.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts-Regional SEPP)

Special Activation Precincts are sustainable business hubs with the goal of creating jobs and fuelling economic development across regional NSW. Schedule 1A of the Precincts Regional SEPP applies to land in the Wagga Wagga SAP. The SEPP sets out the land use zones, zone objectives and land use tables.

The development is in the Rural Activity Zone which seeks to provide a transition between rural and urban land uses, protect and enhance the rural character of the SAP and contribute to the surrounding environment and its amenity, provide a buffer between future residential and employment growth areas and to support agricultural and rural land uses. Development for the purpose of electricity

generating works used for electricity storage is permissible with consent as an additional permitted use in the Rural Activity Zone. The development is consistent with the RAZ objectives under the Precincts—Regional SEPP, particularly by:

- providing a transition between rural and urban land uses
- it protects and enhances the rural character of the Precinct through landscaping and additional vegetation screening.

Section 3.8 of the Precincts-Regional SEPP requires the consent authority to have regard to the Wagga Wagga SAP Master Plan and Delivery Plan when determining an application for development consent on land within the SAP. The Department has had regard to the requirements of the Master Plan and Delivery Plan in its assessment of the application and considers the development is consistent with the Plans.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence.

The Department is satisfied the PHA has been prepared in accordance with the Resilience and Hazards SEPP and the relevant Hazardous Industry Planning Advisory Papers. The PHA has demonstrated the volume of DG on the site would be unlikely to exceed the threshold limits in the Department's Hazardous and Offensive Development Guidelines 'Applying SEPP 33' and the development is not 'potentially hazardous' and does not pose an unacceptable risk to the community or the environment.

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land.

The site is not located on contaminated land as identified in the Wagga Wagga SAP Master Plan.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP aims to facilitate the effective delivery of infrastructure across the State and requires written notice to the electricity supply authority to be given for certain works that are likely to affect an electricity transmission or distribution network. In accordance with the T&I SEPP, the Department has given written notice of the project to Transgrid and Essential Energy. The Department has considered the advice received and, where appropriate, developed conditions of consent to address recommendations and advice from Transgrid and Essential Energy.

Wagga Wagga Local Environmental Plan 2010 (Wagga Wagga LEP)

Clauses 2.6–2.8, 5.1, 5.8 and 5.11 of the Wagga Wagga LEP 2010 apply to land in the Wagga Wagga SAP. None of these clauses are relevant to the DA.

Appendix E – Recommended Instrument of Consent

The Instrument of Consent can be viewed on the Department's project website here - <https://www.planningportal.nsw.gov.au/daex/under-consideration/wagga-north-bess-da26353>