

Notice of Decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Part 4 Integrated Development
Application number and project name	DA26/353
Applicant	ib vogt Development Australia Pty Ltd
Consent Authority	Planning Secretary

Decision

The A/Director, Industry Assessments under delegation from the Planning Secretary has, under section 4.16 of the *Environmental Planning and Assessment Act 1979 (the Act)*, granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

10 July 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- The development would provide a range of benefits for the region and the State as a whole, including the provision of 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 proposal has an estimated development cost of approximately \$224,876,098 and would generate up to 80 construction jobs and five ongoing operational jobs
- The development makes efficient use of existing rural zoned for an appropriate land use.
- The project is permissible with development consent, and is consistent with NSW Government policies including the Wagga Wagga SAP Master Plan and Delivery Plan and Australia's Long Term Emissions Reduction Plan and the NSW Net Zero Plan Stage 1: 2020-2030 and associated Implementation Update
- Potential impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, including traffic, fire risks, noise, visual amenity and air quality
- Issues raised by the community during consultation and in submissions have been considered and adequately addressed through the provision of additional information, refinements to the development and the conditions of consent
- Weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the Statement of Environmental Effects (SEE). The SEE detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the SEE was submitted to the Department it was placed on exhibition from 4 February 2026 until 17 February 2026 (14 days). One submission objecting to the development was received from the public.

The key issues raised by the community and considered in the Department's assessment report and by the decision maker include traffic and access, and noise and vibration. Other issues are addressed in detail in the Department's assessment report.

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> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <u><i>Department's Assessment & Conditions</i></u> <i>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.</i> <i>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, 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.</i> <i>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.</i> <i>To ensure Bavin Road is maintained for the life of the development, and the 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 roads authority.</i> <i>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.</i> <i>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.</i>

Dust Impacts <i>Dust control measures are inadequate</i>	<u>Applicant's Assessment & Mitigation</u> 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. <u>Conditions</u> 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 and decommissioning of the development, to minimise offsite 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	<u>Applicant's Assessment & Mitigation</u> 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. <u>Department's Assessment & Conditions</u> 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 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 Independent Audit Post Approval Requirements, 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>Applicant's Assessment & Mitigation</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>Department's Assessment & Conditions</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 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	<u>Applicant's Assessment & Mitigation</u> 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. <u>Department's Assessment & Conditions</u> 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 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.