



New South Wales Government
Independent Planning Commission

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Yanco Battery Energy Storage System SSD-67478479

Statement of Reasons for Decision

Ken Kanofski (Chair)
Dr Bronwyn Evans AM

2 October 2025

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1. Introduction

1. On 2 September 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-67478479 (**Application**) from AC Energy Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.38 of the EP&A Act for the Yanco Battery Energy Storage System (the **Project**) located approximately 7 km south of Leeton in the Leeton Shire Council Local Government Area (**LGA**). The Application constitutes SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of SEPP Planning Systems, the Commission is the consent authority as more than 50 public submissions have been made by way of objection.
4. Andrew Mills, Chair of the Commission, determined that Ken Kanofski (Chair) and Dr Bronwyn Evans AM would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) dated 2 September 2025 that the Project would result in benefits to the State of NSW, the Project is in the public interest and is approvable, subject to the recommended conditions of consent.

2. The Application

6. The 'Site' is defined as being within the Project area illustrated in Figure 2 of the Department's AR. The Site is primarily cleared agricultural land and the majority of the Site is zoned RU1 Primary Production under the Leeton Local Environmental Plan 2014 (**LLEP**). The Site also comprises land zoned SP2 (Electricity Transmission and Distribution) and SP2 (Road and Traffic Facilities) and is described in detail in section 2.1 of the AR.
7. The Application seeks approval for the Project which comprises:
 - a Battery Energy Storage System (**BESS**) with containerised lithium-ion batteries and a capacity of up to 250 MW / 1,100 MWh;
 - associated electrical infrastructure and approximately 450 m of transmission line connecting to Yanco substation;
 - site infrastructure and temporary construction laydown area;
 - landscaping and site access works; and
 - intersection upgrades at Houghton/Hulme Road and Irrigation Way/Houghton Road.
8. A complete description of the Project is set out in the Department's AR at **Appendix C**.
9. The Project has an estimated development cost of \$297 million and will provide up to 70 construction and five operational jobs (AR Table 1). The Applicant has reached an agreement with Council that they would enter into a Voluntary Planning Agreement (**VPA**) with an estimated contribution value of approximately \$3 million.

3. Material Considered by the Commission

10. In this determination, the Commission has given consideration to the:
- matters raised in public submissions received by the Commission as set out in [Appendix A – Community Consultation Report](#);
 - material and planning framework as set out in [Appendix B – Commission’s Considerations](#); and
 - Department’s whole-of-government assessment as set out in [Appendix C – Department’s Assessment Report](#).

4. Reasons for the Decision

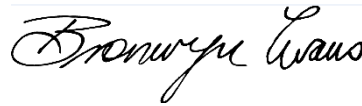
11. The Commission has determined to grant consent to the Application because, on balance, the predicted benefits of the Project outweigh its potential negative impacts.
12. The Project would contribute positively to the State’s transition to a lower-carbon energy system and deliver benefits to the State’s electricity network by enhancing grid reliability and supporting the integration of renewable energy sources. The provision of 250 MW / 1,100 MWh of firming capacity would assist in managing fluctuations in renewable energy supply, thereby improving grid stability and energy security. In doing so, the Project would support the diversification of energy generation and help reduce the carbon emissions intensity of electricity consumption across the State.
13. The Project is expected to generate 70 full-time jobs during the construction phase and up to five full-time jobs once operational, thereby providing direct employment opportunities and contributing to the local economy. The Project would generate approximately \$3 million in funding through a VPA, including \$1.78 million paid into Council’s developer contributions fund and \$1.22 million for community projects in the LGA.
14. Siting of the Project has avoided important agricultural land, noting land within the development footprint is mapped as Class 6 (low capability land) under the *Land and Soil Capability Mapping for NSW* (OEH, 2017) and does not contain Biophysical Strategic Agricultural Land. The Project’s development footprint accounts for a very small fraction (0.01%) of agricultural land in the Leeton Shire LGA and would not result in significant loss of agricultural production potential within the region. The Commission finds that the Project represents an effective and compatible use of land within the region and the Site is able to be restored to its pre-existing productive capacity following decommissioning. With the implementation of objective-based conditions and monitoring requirements, the Commission is satisfied the Project is capable of being appropriately decommissioned and the Site rehabilitated.
15. The Commission finds that the hazards associated with the Project, including fire risk, contamination, and electromagnetic emissions, have been thoroughly assessed and can be appropriately managed through the implementation of the imposed conditions of consent. The Commission notes that the Applicant’s Preliminary Hazard Analysis concluded the Project does not exceed acceptable risk thresholds and is not considered to be hazardous or an offensive development. The Applicant in its meeting with the Commission on 15 September 2025, advised that the proposed battery system is a containerised design with an in-built aerosol fire suppression system that would be triggered to treat any early signs of fire. The Applicant also stated that the BESS would be remotely monitored by site operators 24/7 as an additional safety measure to ensure any early signs of fire are acted on. The Rural Fire Service (**RFS**) has recommended suitable bushfire management measures for the Project that are consistent with the RFS’s *Planning for Bushfire Protection 2019* and *Standards for Asset Protection Zones*.

16. With consideration given to the measures set out above and subject to the preparation of a Fire Safety Study, Emergency Plan, and adherence to relevant standards and guidelines, the Commission is satisfied that the Project would not pose a material risk to the community or environment. The Applicant must prepare this study and plan in consultation with Fire and Rescue NSW. This requirement provides appropriate agency oversight to ensure that fire safety measures and emergency response protocols are developed in accordance with best practice standards and are suitably tailored to the specific risks associated with the Project.
17. The Project would involve the transport of materials and equipment via designated haulage routes, including Irrigation Way, Houghton Road and Hulme Road. Upgrades are proposed at the Irrigation Way / Houghton Road intersection and a rural property access upgrade at the Houghton Road / Hulme Road intersection is intended to facilitate safe access for construction and operational vehicles. The Commission is of the view that following the completion of the required road upgrades, the Project would have no material impact on road network capacity, efficiency and safety. The Commission acknowledges the concerns raised in public submissions regarding the potential impact of the Project on local road quality. In response, the Commission has imposed conditions requiring the Applicant to undertake pre- and post-construction dilapidation surveys of affected roads and to repair any damage attributable to the Project.
18. Visual impacts were raised in public submissions and the Commission has considered the potential for the Project to affect the visual character of the surrounding rural landscape. The Commission notes that the Project is located in a flat, low-lying area already characterised by existing electricity infrastructure, and that the nearest non-associated residences are well separated from the development footprint. The Commission finds that the proposed vegetation screening, combined with the setback distances and existing vegetation surrounding the site, would effectively minimise views of the BESS from the public road network and nearby residences. On this basis, the Commission considers that the visual impacts of the Project would be low and are acceptable.
19. Noise impacts were raised in public submissions regarding both construction and operational noise associated with the Project. Project construction noise may temporarily exceed the EPA's *Interim Construction Noise Guideline* noise criterion at nearby receivers during peak activity periods. In its response to the Commission dated 19 September 2025, the Applicant provided further detail on mitigation measures, including advance notifications, direct engagement with affected stakeholders, respite periods and quieter equipment use. For non-associated residences, Project operational noise is predicted to comply with relevant noise criteria and a noise wall is proposed to mitigate the predicted 1 to 4dB increase in evening and night-time noise experienced by associated residences. The Commission has imposed conditions of consent which set out construction hours and operational noise limits and the Commission finds that with the noise mitigation measures in place and subject to the conditions of consent, Project noise impacts would be minimal.
20. The Applicant has committed to preparing an Accommodation and Employment Strategy in consultation with Council to manage the Project's workforce needs while minimising impacts on local housing and services and other potential cumulative impacts. The Commission finds that this approach would support the orderly delivery of the Project while maximising local employment benefits and maintaining community amenity.
21. The Commission considered other issues including biodiversity, transport, heritage, water social and economic impacts, waste, dust, erosion and sediment control and cumulative impacts. The Commission agrees with the Department's assessment of these matters and is satisfied that these impacts are capable of being managed through the imposed conditions of consent and do not outweigh the public interest served by granting consent to the Application.

22. For the reasons set out above, the Commission finds that the Application meets legal requirements, is consistent with NSW Government policies and its approval is in the public interest. The Commission has therefore determined to approve the Application subject to the conditions of consent in [Appendix D – Instrument of Consent](#) requiring the Applicant to:
- prevent, minimise and/or offset adverse social and environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - prepare management plans in consultation with Council and government agencies;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the development.
23. The Commission's reasons for the Decision are given in the Statement of Reasons for Decision dated 2 October 2025.



Ken Kanofski (Chair)
Member of the Commission



Dr Bronwyn Evans AM
Member of the Commission

Appendix A – Community Consultation Report

The Commission's meetings

The Commission met with the Department, the Applicant, and Council (refer to *Appendix B – Material Considered by the Commission*). Transcripts from these meetings were made publicly available on the Commission's website.

Local community stakeholder meeting

The Commission held local one-on-one meetings with interested community members at the community members at the Leeton Multipurpose Community Centre on 17 September 2025 where the Commission heard from five members of the community. Transcripts of these meetings were made available on the Commission's website on 24 September 2025.

Written submissions

The community was offered the opportunity to make written submissions to the Commission from 03 September to 24 September 2025. The Commission received a total of 11 written submissions. Of these submissions:

- 9 objected; and
- 2 were in support.

Consideration of submissions

The Commission's consideration of these matters is set out in the Table 2 below. This is not an exhaustive report of the submissions considered by the Commission but is reflective of key issues that emerge from those submissions.

The Commission acknowledges that a number of submissions raised broader concerns relating to other renewable energy projects, renewable energy policy more generally, and geopolitical matters. In accordance with its statutory role, the Commission has undertaken a detailed evaluation of the specific impacts associated with the Project the subject of this Application. Consideration has been given to all submissions that raised concerns about project-specific matters, and these have informed the Commission's findings and conclusions throughout this Statement of Reasons.

Appendix A – Table 2: Key matters raised in submissions

Themes raised in submissions from the community	Commission's consideration
Renewable energy • Objectors were against the use of a BESS to store energy generated from renewables • Objectors also did not agree with the merits of renewable energy and government policy in general • Submissions in support of the Project were of the view that the BESS would contribute to energy security and assist with the State's transition from non-renewable energy sources	• The Commission agrees with the Department's assessment that the Site is appropriate for a BESS, as it has ready access to a major electricity transmission network and agrees that the Project would improve the reliability of the energy network, providing storage and firming capacity to the National Energy Market.

Fire risk • BESS projects create a risk of thermal runaway from overheating batteries • The Project would create a fire risk and emergency services aren't equipped to contain battery fires	• Fire risks can be suitably managed through compliance with WH&S and AS standards and the measures committed to by the Applicant. • These measures in conjunction with the implementation of standard fire management procedures, the required Fire Safety Study, consultation with FRNSW and recommendations made by FRNSW and the RFS would mitigate risk associated with thermal runaway, battery failure and bushfire hazards. <i>Refer to conditions B27 to B32</i>
Contamination and human health • Battery units will contaminate the soil and generate toxic smoke if ignited • Per- and Polyfluoroalkyl Substances (PFAS) and other hazardous substances in the batteries would degrade and contaminate the food chain and ground water	• The battery units would be self-contained and the potential for groundwater and surface water contamination is considered minimal. The Commission is satisfied that the risk of contamination can be suitably managed through the agreed mitigation measures and implementation of standard unexpected finds protocols <i>Refer to conditions B24 and B25</i>
Land use compatibility • The Project will contribute to the loss of agricultural land • The project would reduce the amount of water available to irrigators	• The Site does not contain BSAL and land within the development footprint is categorised as Land and Soil Capability Class 6 (very high limitations). • The Project does not require dewatering during construction and water for construction and operation activities would be sourced from Council water supplies. <i>Refer to condition B23</i>
Decommissioning and rehabilitation • The local community be required to fund decommissioning and site rehabilitation • Battery components won't be recycled, and BESS infrastructure would be left on site once the use ceases • The Applicant should be required to pay a rehabilitation bond	• The Applicant is required to rehabilitate the site to its pre-existing condition under the conditions of this consent. In accordance with government policy, the Commission does not consider a rehabilitation bond to be necessary and is satisfied the Project is capable of being decommissioned and the Site appropriately rehabilitated. <i>Refer to condition B35</i>
Cumulative impact • The cumulative impact from other renewable projects has not been given adequate consideration • VPA will have limited benefit for the local community	• The Commission is satisfied that the broader cumulative environmental, social and economic impacts have been considered in accordance with the Department's <i>Cumulative Impact Assessment Guidelines for State Significant Projects 2021</i>.
Property value • Concern that the Project would devalue residential and agricultural property	• The impacts of a project on individual property values are not generally a relevant consideration under the EP&A Act, unless the project would have significant and widespread economic impacts on the locality. In this instance the impact does not warrant refusal of the Application.
Biodiversity • Land clearing would affect threatened flora and fauna • The Project would affect migratory fauna	• The Commission agrees with the Department's assessment that the Project is unlikely to result in significant impacts to species or communities listed under the EPBC Act and as such referral to the Commonwealth Minister is not necessary.

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- The Commission acknowledges that the Project would result in the removal of 0.5ha of Box Gum Woodland and agrees with the Department's assessment that the project is sited as far as reasonably practical to avoid impacts to this critically endangered ecological community (CEEC).
 - The Commission agrees with the Department's Conservation Programs, Heritage and Regulation Group (CPHR) that the Project would not significantly contribute to the further decline of the ecological community or materially reduce the CEEC's population size.
 - The Commission is satisfied that any residual biodiversity impacts are appropriately managed by the imposed conditions and by the retiring of the required biodiversity offset credits.

Refer to conditions B10 to B13

Visual and acoustic impacts

- The Project is not in keeping with the rural character of the area
- Construction and operation of the Project would cause noise impacts to surrounding properties

- The Project has been designed and conditioned to ensure compliance with relevant environmental standards, including the NSW Noise Policy for Industry, and incorporates mitigation measures such as noise management protocols, and restricted construction hours.
- Due to the nature of construction works, a degree of acoustic impact would be experienced by receivers in the vicinity of the works but would not result in any significant or prolonged harm. The impacts from construction noise are capable of being mitigated by the imposed conditions
- Due to the site's flat topography, the Project will result in a change to the local landscape. It is not possible to completely integrate the BESS components into the rural landscape, but this does not warrant refusal of the Application as the components would be consistent with the character of the adjoining land uses
- Landscape screening proposed by the Applicant would mitigate the visual impact of the BESS's components and would significantly reduce the prominence of the infrastructure within the broader rural setting.

Refer to conditions B9, B14 to B17 and B19

Appendix B – Commission’s Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Secretary’s Environmental Assessment Requirements (SEARs)	28 February 2025
Applicant’s Environmental Impact Statement and its accompanying appendices	08 November 2024
Government agency advice to the Department	
Public submissions made to the Department during exhibition	
Applicant’s Response to Submissions Report and its accompanying appendices	21 February 2025
Department’s Assessment Report and recommended conditions of consent	02 September 2025
Comments and presentation material from meetings with:	
• Applicant	15 September 2025
• Council	15 September 2025
• Department	15 September 2025
• Community members	17 September 2025
Observations made at the Site Inspection	16 September 2025
Applicant’s response to the Commission	19 September 2025
All written submissions made to the Commission up until	24 September 2025
Department’s advice to the Commission regarding the imposition of conditions	01 October 2025

Planning Framework

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission’s consideration
Energy context	The Commission agrees with the Department’s assessment in Section 2.3 and understands the need to firm renewable energy sources as the State transitions from coal fired power. The Commission agrees that the Project supports the diversification of power generation in NSW and aligns with the direction of State and national policies to reduce carbon emissions intensity, including the: • <i>NSW Electrical Strategy</i> (2019) • <i>NSW Net Zero Plan Stage 1: 2020-2030</i> (and associated implementation update); and • <i>Riverina Murray Regional Plan 2041</i>
Statutory context	Commission’s consideration
State significant development	The Project constitutes SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of SEPP Planning Systems . The Application includes development for the purpose of electricity generating works that has an EDC exceeding \$30 million and in accordance with Schedule 1 Chapter 20 of SEPP Planning Systems is State significant development.
Consent authority	In accordance with section 4.5(a) of the EP&A Act, and section 2.7(1) of SEPP Planning Systems the Commission is declared to be the consent authority as 50 submissions have been made by way of objection.
Permissibility	The proposed BESS site, transmission cable route options and road works are located within land that is zoned RU1 Primary Production and SP2 - Infrastructure under the LLEP .

	The Project is permissible because electricity generating works are permissible with consent on any land in a prescribed non-residential zone, including RU1 and SP2 zones, under section 2.36 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i> . Consequently, the project is permissible with development consent
Objects of the EP&A Act and Ecologically Sustainable Development	The Commission has considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects. The Commission finds that the Project is consistent with the ESD principles and would achieve an acceptable balance between environment, economic and social considerations.
Other approvals and authorisations	Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process and therefore are not required to be separately obtained for the Project. Under section 4.42 of the EP&A Act a number of further approvals are required, but must be substantially consistent with any development consent for the Project. The Commission has considered the Department's recommended conditions of consent relating to integrated and other approvals as part of its deliberation process.
Mandatory considerations	Commission's consideration
Relevant environmental planning instruments (EPIs)	Appendix I – Statutory Considerations of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • <i>State Environmental Planning Policy (Planning Systems) 2021</i>; • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; • Transport and Infrastructure SEPP; and • LLEP. The Commission has considered these EPIs as part of its determination.
Relevant DCPs	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.
Any planning agreement or draft planning agreement	Council has endorsed a draft planning agreement for the Project. The Draft agreement can be viewed on Council's website and provides an in-principal agreement for \$3 million of funding, comprising \$1.78 million for Council's section 7.12 developer contributions fund and \$1.22 million allocated to various local community projects.
Likely impacts of the development	The Commission has given consideration to the likely impacts of the development and has set out its reasons for decision in Section 4 of the Statement of Reasons for Decision.
Suitability of the Site for development	The Site is suitable for the following reasons: • it is located adjacent to the existing Transgrid's 330 kV Yanco substation and is in proximity to the existing associated transmission lines and electricity infrastructure; • use of the Site for the purpose of electricity generation is an orderly and economic use of land; • it is not identified as bushfire or flood prone land and can accommodate the required asset protection zones, acoustic screening and tree plantings; • it is not high-value agricultural land and is capable of being appropriately decommissioned and the Site rehabilitated. • the development of the site will facilitate social and economic benefits for the community and the State of NSW; and • impacts on surrounding land uses have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent.

The public interest	The Commission has considered the public interest in deciding to grant conditional consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Commission has concluded that approval of the Project merits the grant of consent, subject to conditions.
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Appendix C – Department's Assessment Report

[Link to Department's Assessment Report, dated 2 September 2025](#)

Appendix D – Instrument of Consent

[Link to Instrument of Consent, dated 2 October 2025](#)



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