



New South Wales Government
Independent Planning Commission

ipcn.nsw.gov.au

Kingswood Battery Energy Storage System

SSD 63207219

Statement of Reasons for Decision

Michael Chilcott (Chair)
Elizabeth Taylor AO

19 March 2026

Contents

1. Introduction	1
2. The Application	1
3. Material Considered by the Commission	2
4. Reasons for the Decision	2
4.1 Hazards and risks	3
4.2 Social and economic impacts	6
4.3 Operational noise	7
4.4 Visual impact	8
4.5 Transport	8
4.6 Water supply	10
4.7 Decommissioning and rehabilitation	11
4.8 Other issues	12
5. Determination	12
Appendix A – Community Consultation Report	13
Appendix B – Commission’s Considerations	18
Appendix C – Department’s Assessment Report	21
Appendix D – Instrument of Consent	22

1. Introduction

1. On 22 December 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-63207219 (**Application**) from Iberdrola Australia Development Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the Kingswood Battery Energy Storage System (the **Project**) located approximately 6 kilometres (**km**) south-east of Tamworth, in the Tamworth Regional 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 the SEPP Planning Systems, the Commission is the consent authority as more than 50 public submissions were made by way of objection.
4. Andrew Mills, Chair of the Commission, determined that Michael Chilcott (Chair) and Emeritus Professor Elizabeth Taylor AO 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 December 2025 that the Project is in the public interest and is approvable, subject to the recommended conditions of consent.

2. The Application

6. The Application, as amended, seeks approval to develop a Battery Energy Storage System (**BESS**), including:
 - lithium-ion phosphate enclosure-based batteries with a capacity of up to 270 megawatts (**MW**) / 1,080 megawatt-hours (**MWh**);
 - inverters, transformers, switch gear, substation and control building;
 - high voltage transmission connection between the BESS and Tamworth substation via one of three proposed options set out in Table 1 of the Department's AR;
 - ancillary infrastructure including access road and parking, permanent office and staff amenities, operations and maintenance building, stormwater management infrastructure, services and utilities, lighting, fencing and security devices, noise walls, and asset protection zone;
 - landscaping and screening vegetation;
 - temporary construction compound and laydown areas;
 - a new site access from Ascot-Calala Road; and
 - intersection upgrades at three locations.
7. A complete description of each component of the Project is set out in Appendix C – Department's AR.
8. The Site, which is dissected by Burgmanns Lane, is comprised of two main areas as illustrated in Figure 1 of the Department's AR. To the north of Burgmanns Lane is the part of the Site that contains the existing Tamworth Substation, and to the south of Burgmanns Lane is the part of the Site where the BESS, including other ancillary infrastructure, is proposed to be located.

9. The Site is currently used for cattle grazing and contains cleared land and existing electrical infrastructure, including the Tamworth Substation. The Site is on land zoned RU4 (Primary Production Small Lots) under the *Tamworth Regional Local Environmental Plan 2010 (TRLEP)*.
10. The Project has an estimated development cost (**EDC**) of \$458 million and will provide up to 100 construction jobs and two operational jobs (AR Table 1).
11. The Commission notes that the Applicant has made an offer to Tamworth Regional Council (**Council**) to enter into a Voluntary Planning Agreement (**VPA**) with a total contribution value of approximately \$3.24 million over the life of the Project, comprising \$2.75 million to be paid to Council and \$486,000 towards a range of community projects (AR Table 8).

3. Material Considered by the Commission

12. In the process of determining the Application, the Commission has considered:
 - 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

13. Based on its consideration of the material before it, including written submissions received and oral submissions made during its discussions with stakeholders, the Commission finds the Application should be approved for the reasons set out in this report.
14. The Project would have the capacity to supply electricity to approximately 108,000 homes during peak household consumption (according to the Department’s calculations). The provision of 270 MW / 1,080 MWh of firming capacity to the State’s electricity network would assist in managing fluctuations in energy supply, thereby improving grid stability and energy security and aligning with NSW Government commitments to transition to renewable energy. The Commission’s role is to determine specific applications on their satisfaction of statutory requirements and on their merits, including whether an application meets planning requirements and appropriately manages or mitigates its predicted impacts.
15. The Project is expected to generate up to 100 jobs during the construction phase and two jobs once operational, thereby providing direct employment opportunities and contributing to the local economy. The Project has the potential to generate a total of approximately \$3.24 million in funding to Council over the life of the Project through a VPA for community benefits within the LGA.
16. The Application states that the Site is suitable for the proposed development because of its direct access to the Tamworth substation, electricity grid, road access to the New England Highway, and minimal impact on the natural environment and agricultural activities. The Application further suggests that the Project represents an effective and compatible use of land within the region, and the Site can be restored to its pre-existing condition following decommissioning.

17. The Department undertook a whole-of-government assessment of the Project, drawing on advice from 12 government agencies, which informed its recommended conditions of consent. Council also provided comments to the Department during the whole-of-government assessment process.
18. The AR concluded that potential impacts of the Proposal on the local community would either not be significant, or could be managed or mitigated through the imposition of conditions.
19. The Commission offered the community the opportunity to provide written submissions on the Application and received a total of 15 written submissions, including 10 public submissions objecting to the Project. These were in addition to submissions made during the public exhibition of the Application by the Department. The submissions received by the Commission are addressed in [Appendix A – Community Consultation Report](#).

4.1 Hazards and risks

4.1.1 Battery design and hazard implications

20. The Applicant's Preliminary Hazard Analysis (**PHA**) describes the technology assumptions underpinning its assessment, including the limitations of the analysis. The PHA states that it must be reviewed if any changes occur to the Original Equipment Manufacturer (**OEM**), DC model, battery chemistry, or Site layout relative to those assessed (PHA, page 18).
21. In order to be satisfied that any hazards (including fire, thermal runaway or other technology specific risks) would continue to be properly assessed and managed in the event that the battery system selected during detailed design differed from that originally evaluated, the Commission sought clarification from both the Applicant and the Department regarding whether the conclusions of the PHA would remain valid if the final battery technology or OEM differed from that assessed.
22. The Applicant confirmed that the PHA was based on the B-Vault DC model, utilising Lithium Iron Phosphate (**LFP**) battery chemistry and that the final battery system will utilise B-Vault DC model LFP technology, consistent with the assumptions underpinning the PHA. The Applicant further stated that OEM-specific parameters will be validated during detailed design and that, if required, an updated risk assessment will be prepared once the OEM is selected (Applicant QoN response, page 2).
23. The Department advised that the PHA concluded that fire, thermal runaway and hazardous material risks remain acceptable with the controls and separation distances proposed in the EIS. The Department noted that its internal hazard specialists reviewed the PHA and subsequent project amendments, confirmed the PHA's findings, and verified that these conclusions remained valid through the amendment process. The Department also advised that the recommended conditions require the Project to be carried out in accordance with the EIS, meaning that the battery technology must remain consistent with the LFP chemistry and enclosure-based battery system assessed in the PHA (Department QoN response, page 2).
24. The Department's recommended conditions requiring the preparation of a Fire Safety Study, in accordance with *Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study (HIPAP 2)* and to the satisfaction of Fire and Rescue NSW (**FRNSW**). The Department advised that this requirement ensures that any changes to the OEM or layout are appropriately evaluated so that the risk of fire propagation between enclosures remains low, maintaining a risk profile consistent with the original PHA.

25. The final system will utilise LFP chemistry consistent with the EIS and PHA. However, in order to ensure that any advancements in BESS technology or changes to battery configuration, chemistry or OEM during detailed design are appropriately reassessed, the Commission has imposed a condition requiring the PHA to be reviewed if such changes arise and are inconsistent with the original assumptions, conclusions, or mitigation measures identified in the PHA. The purpose of this condition is to ensure that any changes to risks associated with the Project or its components are identified, and that the recommendations provided by FRNSW, RFS or SES can be addressed and incorporated into the final design and operational management framework for the BESS.
26. This condition imposed by the Commission requires the Applicant to prepare a PHA Review Report prior to the commencement of construction if the final BESS technology, limitations, configuration, chemistry or OEM selected differs from that assessed in the PHA included with the Application. That PHA Review Report must:
- be prepared by a suitably qualified and accredited PHA expert in consultation with FRNSW, RFS and SES;
 - identify all changes between the selected battery system and that assessed in the original PHA;
 - assess whether the changes alter the original PHA's conclusions, recommendations, risk rankings, mitigation measures or emergency response assumptions;
 - identify any new or changed hazards, failure modes or risk pathways arising from the revised battery technology and/or OEM;
 - propose any additional or amended mitigation measures, design measures, operational controls, or emergency response arrangements required to ensure risks remain As Low As Reasonably Practicable (**ALARP**);
 - include a comparison table outlining all differences between the original PHA and the updated assessment, with justification for any changes in risk treatment;
 - demonstrate how updated measures have been integrated into detailed design, construction methodology and operational risk management framework; and
 - include evidence of consultation with relevant agencies and explain how feedback has been addressed (or justify where it has not been incorporated).

4.1.2 Bushfire and flood events

27. The Commission sought clarification from the Department and the Applicant regarding whether a secondary emergency access point at the Site would be necessary, particularly in scenarios involving concurrent flood related road closures and a fire event.
28. The Department advised that the NSW Rural Fire Service (**RFS**) considered the Applicant's Bushfire Assessment adequate and that conditions reflecting standard RFS mitigation measures were recommended. The Department further stated that neither FRNSW, RFS nor SES had requested a second emergency access point (Department QoN response, page 8).
29. The Applicant noted that emergency response arrangements (including those addressing fire, bushfire and flooding) would be detailed in the Emergency Plan, Flood Emergency Response Plan (**FERP**) and Fire Safety Study, all of which are conditioned to be prepared in consultation with FRNSW, RFS, SES and/or Council (Applicant QoN response, page 2).
30. Notwithstanding this advice, the Commission has concluded that, as a matter of prudence and good practice, emergency response arrangements should address overlapping hazard scenarios, such as simultaneous bushfire, fire and flooding events. Consequently, the Commission has imposed conditions requiring that the:
- Fire Safety Study address both bushfire and facility generated fire scenarios; and

- Emergency Plan include:
 - procedures for managing emergency response in circumstances where flooding affects road access during a fire event; and
 - provide options for provision of secondary emergency access points, if requested by RFS or FRNSW during consultation on the Emergency Plan.

4.1.3 Explosion risk

31. Council's submission to the Commission noted that blast walls should be investigated as a potential mitigation measure for explosion containment, particularly given the proximity of the Site to residential receivers and other electrical infrastructure. Council requested that a blast wall assessment be incorporated into the Fire Safety Study, consistent with HIPAP 2 and FRNSW's *Fire Safety Guideline – Large scale external lithium ion BESS facilities*.
32. The Applicant noted that explosion scenarios were assessed in its PHA using a conservative assumption of a fully developed battery unit fire. The PHA had concluded that, based on assessed separation distances, offsite impacts are not predicted (Applicant QoN response, page 3).
33. The Applicant stated that it had not proposed blast walls as part of the Application, noting that (in accordance with HIPAP No. 6 – *Hazard Analysis*) the PHA concluded that explosion risks are not predicted given that the BESS facility would include enclosure based protection systems and industry recommended separation distances.
34. The Applicant further advised that the location of all residences in the vicinity of the proposed BESS was considered in the PHA and this had informed the identification and selection of the facility design and proposed mitigation measures (Applicant QoN response, page 3).
35. The Department acknowledged that the PHA had assessed potential explosion scenarios and had concluded that risks associated with these scenarios would be mitigated by the Applicant's proposed enclosure-based systems and separation distances (AR paras 104-105).
36. The Commission is satisfied that the Applicant's PHA has considered the risks associated with potential explosion scenarios and that the analysis predicts the BESS would not give rise to any potential off-site impacts under assessed scenarios.
37. Notwithstanding this conclusion, the Commission considers that the Fire Safety Study should include additional requirements to manage and mitigate any further explosion risks. Accordingly, the Commission has required that the Fire Safety Study required to be prepared under condition B40:
 - is prepared to the written satisfaction of FRNSW that the study has meet the requirements of the condition;
 - be prepared by an appropriately qualified and experienced practitioner;
 - to include the most credible worst case fire scenario to and from the battery facility; and
 - be prepared in accordance with HIPAP No. 2 – *Fire Safety Study* and FRNSW's *Fire Safety Guideline: Technical Information – Large scale external lithium ion BESS fire safety study* considerations.

4.2 Social and economic impacts

38. The Department's AR noted that the Applicant has committed to sourcing workers from local communities where possible, and that the Applicant's EIS had assessed that sufficient local accommodation is expected to be available for the Project's workforce. To address potential cumulative impacts associated with multiple regional projects being implemented concurrently, the Department has recommended the imposition of a condition requiring the Applicant to prepare an Accommodation and Employment Strategy (AES) in consultation with Council (AR, Table 8).
39. Council's submission to the Commission raised several matters for consideration by the Commission regarding accommodation and employment in relation to the Application. In summary, Council:
- requested that the AES be subject to Council endorsement, rather than consultation only;
 - expressed concern about cumulative accommodation pressures that may arise from multiple concurrent energy projects in the region;
 - emphasised the importance of protecting accommodation availability during major regional events, noting that non-essential construction activities should be reduced or suspended during these periods;
 - sought explicit consideration of cumulative workforce and accommodation impacts that may arise from other approved and proposed State significant development projects being implemented concurrently;
 - requested that the Application, if approved, be required to be implemented with a stronger focus on local employment and procurement; and
 - recommended strategies to avoid or minimise the use of short term visitor accommodation during peak tourism periods and major events.
40. The Commission acknowledges Council's concerns regarding potential accommodation and employment impacts of the Application, in particular the potential cumulative effects arising from other renewable energy developments in the region. The Commission further recognises the pressure that this may place on short term accommodation during major events such as the Tamworth Country Music Festival, the NSW Koori Knockout, and the AELEC Equine Championships.
41. The Commission is of the view that the Applicant should minimise the use of short-term visitor accommodation during major events, and consequently, has imposed a condition requiring that the Applicant's AES must:
- be prepared in consultation with Council and informed by engagement with local accommodation providers, employment service providers, and major event organisers;
 - consider the use of a dedicated workers' accommodation camp;
 - propose measures to ensure sufficient and appropriate accommodation for the Project workforce;
 - consider cumulative accommodation and workforce impacts associated with other State significant developments in the region;
 - investigate opportunities to prioritise local employment and local procurement, where feasible;
 - include strategies to minimise reliance on short term visitor accommodation during major events, including the Tamworth Country Music Festival, NSW Koori Knockout and AELEC Equine Championships; and
 - include a monitoring and review program to assess the effectiveness of the AES throughout construction, operation, upgrading and decommissioning.

42. The Commission is satisfied that potential cumulative regional workforce impacts of the Application can be appropriately managed and mitigated through requirements it has imposed in relation to preparation of the Project's AES.
43. The Commission has noted Council's request that the Applicant be required to secure Council's endorsement of the AES. However, while the Commission considers that this requirement would not be reasonable to impose on the Applicant, it notes that the imposed conditions of consent require the Applicant to provide details of the consultation with Council to the Planning Secretary, including the outcome of the consultation, matters resolved and unresolved and details of any disagreements remaining, through imposed condition A13.

4.3 Operational noise

44. The Department's AR identifies that a range of operational noise mitigation measures have been incorporated into the Project's design, including features such as noise walls around the BESS Facility Area and transformer, as well as optimisation of the layout and orientation of battery enclosures to reduce operational noise emissions (AR, para 66).
45. The Department's AR states that with these mitigation measures applied, operational noise exceedances of the Project Noise Trigger Levels (**PNTLs**) under the *Noise Policy for Industry* (EPA, 2017) (**NPfl**) are predicted to occur only at four residential receivers (R2, R3, R9, and R16), and only under a combination of adverse meteorological conditions and extremely high operating temperatures. These conditions are expected to occur for no more than 10% of any season (AR, para 67). In these conditions, the Applicant has predicted that potential PNTL exceedances would not exceed 5 dB(A) during the daytime and 3 dB(A) during the evening, with no exceedances expected at night. The Department assessed that, under the provisions of the NPfl, these residual noise impacts would be characterised as of marginal to moderate level (AR, para 67).
46. The Department concluded that these residual noise impacts were acceptable, given their limited duration, the daytime/evening timing of exceedances, and the significant public benefit provided by the BESS in terms of energy system reliability (AR, para 67). As extreme weather and peak temperature conditions would be, by their nature, infrequent, the Department assessed that operational noise levels arising from the BESS would remain below criteria established in relation to rural amenity for the majority of the time (AR, para 68).
47. To mitigate potential noise impacts during periods of unusually high temperatures, the Department recommended that the Commission impose a condition requiring the Applicant to provide receiver based architectural treatments upon request by affected landowners for any property predicted to, or demonstrated to, exceed the default NPfl noise objectives identified for more than 10% of any season.
48. As affected residents may be unaware that they are entitled to architectural treatments or unaware that their property is predicted to experience exceedances for more than 10% of a season, the Commission has further required that the Applicant must (in consultation with affected properties) proactively notify eligible landowners of their eligibility to request receiver-based architectural treatments to all properties predicted to, or demonstrated to, exceed the NPfl default noise objectives for more than 10% of any season.
49. The Applicant is also required, under conditions proposed by the Commission for imposition, to provide evidence to the Planning Secretary confirming that such notifications and subsequent offers have been made.

50. It is the Commission's assessment that the Applicant should be required to initiate notification of landowner eligibility for noise mitigation treatments so as to ensure that all potentially affected landowners are made aware of their entitlements, and that they are afforded the opportunity to request architectural treatments where these are available and where they may, in the landowners' view, be beneficial.

4.4 Visual impact

51. There are 17 non-associated receivers within 1km of the BESS Facility Area, with receiver R2 being the closest at approximately 220m from the development footprint (AR, para 138). Based on the worst-case scenario, the Applicant's Visual Impact Assessment concluded that the visual impacts at all non-associated receivers would be 'Low' to 'Very Low' due to factors including undulating topography, scattered vegetation, existing electricity infrastructure and proposed mitigation measures (AR para 139).
52. The Applicant has committed to implementing measures to mitigate potential visual impacts, including the provision of substantial landscaping buffers around the BESS Facility Area with a 50m wide vegetation screening area along the northern boundary and 20m wide screens along the eastern and southern boundaries (AR, para 140).
53. These vegetation buffer screens would consist of a mix of trees, which would grow at a rate of 1-2m per annum. To ensure early establishment of the buffer screens and timely mitigation of any potential visual impacts, the Commission has imposed conditions of consent requiring the establishment of the plantings prior to the commencement of construction to allow for the maximum time possible for vegetation growth.
54. The Commission has considered the potential for the Project to affect the visual character of the surrounding rural landscape and non-associated receivers. The Commission has also noted that the Project is located on gently undulating low hills, in a largely cleared landscape with existing electricity infrastructure, including the Tamworth substation. The Commission assesses that the Applicant's proposed vegetation screening, combined with the Site's topography and setback distances will effectively minimise views of the BESS from nearby residences. The Commission has concluded that the potential visual impacts of the Project would be in the lower range of potential severity and that visual impacts do not result in grounds for refusal of the Application.

4.5 Transport

55. Most physical components of the Project, including batteries and transformer equipment, are proposed to be transported from the Port of Newcastle via the Hunter Expressway and New England Highway, with heavy vehicles travelling to the Site via Goonoo Goonoo Road/New England Highway (from the south, Whitehouse Lane and Ascot-Calala Road (AR, para 83). Further, high risk heavy vehicles requiring escort and heavy vehicles requiring escort are proposed to travel to the Site from the Port of Newcastle via one of two route options, either via Muswellbrook or bypassing Muswellbrook (further details outlined in AR, para 83).
56. All Project vehicles are proposed to access the Site via the proposed new access point off Ascot-Calala Lane or the Tamworth substation access off Burgmanns Road (AR, para 85).

57. The estimated peak daily vehicle movements during construction are proposed to include up to 80 heavy vehicle movements (Department letter dated 21 January 2026). The Application assessed the capacity of local roads to convey equipment to the Site in the event that nearby projects, approved or proposed, were constructed at the same time. This assessment included consideration of the following projects: Tamworth BESS, Calala BESS and the Goonoo Goonoo Road duplication works. The assessment concluded that, during peak hours, Goonoo Goonoo Road/New England Highway would perform at a Level of Service (LOS) C and Whitehouse Lane and Burgmanns Lane would perform at a LOS A (AR, para 92).
58. The Application also included a turn warrant assessment which concluded that the existing turning lane treatments would be sufficient with the lengthening of the existing channelised right turn treatments at both the New England Highway/Whitehouse Lane and New England Highway/Burgmanns Lane intersections to accommodate the cumulative traffic volumes (AR, para 92). The Commission has imposed a condition of consent requiring completion of these road upgrades prior to commencing transport by heavy vehicles requiring escort.
59. The Commission has imposed a condition of consent requiring the use of the nominated transport routes, access to the Site via the new access point off Ascot Calala Lane or the substation access off Burgmanns Lane, and restrictions of 80 heavy vehicle movements a day and 10 movements of heavy vehicles requiring escort for the Project.
60. In its meeting with the Commission, Council raised concerns in relation to the Applicant's proposed use of the Whitehouse Lane bridge over Goonoo Goonoo Creek, noting that other nearby projects had experienced capacity load challenges for larger components being transported to their sites.
61. Therefore, the Commission has imposed a condition of consent requiring the Applicant to undertake a Level 3 bridge inspection to determine if the bridge is suitable for the proposed heavy vehicle loads, prior to utilising the bridge for any heavy vehicle movements. Further, if the assessment determines the bridge is not suitable, the Applicant is required to prepare an updated assessment of any proposed alternative access route, and the outcome of the assessment is to be reviewed, and endorsed, by the Planning Secretary prior to the use of that alternative route.
62. The Commission considered other traffic and transport matters including operational traffic, road upgrades and maintenance and adopts the Department's assessment of these matters. The Commission is satisfied that potential traffic impacts are capable of being managed and mitigated through the conditions of consent proposed for imposition.
63. Given the above, subject to the imposed conditions of consent, the Commission has concluded that the Project would not give rise to significant traffic and transport impacts.
64. The Commission notes that Council raised concerns regarding the practicality of determining which projects in the area are responsible for road damages given there will be multiple large scale developments using the same major roadways as transport routes. The Commission asked the Department for further information regarding how this would be addressed.
65. In its response to the Commission dated 17 March 2026, the Department advised that:
"By requiring independent, time-stamped dilapidation surveys before and after the Applicant's construction, upgrading and decommissioning activities, the condition establishes a clear baseline and end-state for road condition. This provides an objective basis for identifying any deterioration attributable to the project and distinguishing it from damage caused by other developments using the same road network."

Additionally, because the surveys are independent and tied to defined project phases, they offer a reliable mechanism for attributing responsibility even where multiple projects overlap. If the post-construction survey shows deterioration relative to the pre-construction baseline, the Applicant must repair that damage.

If disagreement remains about attribution or the extent of repairs, either party may refer the matter to the Planning Secretary for resolution, ensuring Council (as the relevant roads authority) has a clear and independent pathway to address any disputes. This ensures that attribution disputes can be independently resolved and that Council is not left without recourse."

66. The Commission is satisfied that road damage caused by SSD projects, including works proposed under this Application, will be adequately managed through the dilapidation survey process, and that there is an appropriate pathway if disagreement remains about attribution of the extent of the repairs.

4.6 Water supply

67. The Department's AR identifies that the Site contains a single existing groundwater bore (GW055998), located along the eastern boundary of the property. The Project proposes to convert this bore from domestic use to Project use (AR, Table 8).
68. The Applicant prepared a hydrogeological assessment to evaluate the potential impacts of extracting groundwater from GW055998 for the Project. The assessment identified 13 existing water users within the predicted radius of influence associated with groundwater drawdown. It concluded that minimal drawdown is expected at all surrounding bores, with the exception of bore GW019323, located approximately 190m from GW055998, which may experience up to 0.8m of drawdown (AR, Table 8).
69. During the local meeting held at the Tamworth Town Hall on 4 February 2026, the Commission heard from an adjoining landowner who expressed concern that a 0.8m reduction in groundwater level at their bore could significantly affect their water security. The landowner noted that their bore had previously yielded limited supply during drought conditions and stated that:
- The volume of water the project intends to extract from their site bore is very much higher than the normal stock and domestic extraction and would jeopardise our supply (Local meeting transcript)*
70. The Commission notes that the Project proposes drawing groundwater via a licensed bore and therefore must, in addition to the development consent, also comply with the requirements of the *Water Act 1912* and/or *Water Management Act 2000* (as applicable). DCCEEW (Water Group) has confirmed that the required water take will not result in unacceptable draw down of the aquifer or significant impacts on other water users. The Commission also endorses the reuse of captured rainwater within tanks, as identified as a likely water source in the Application.
71. The Commission finds that groundwater extraction for the Project has been characterised through the hydrogeological assessment, and that the predicted drawdown at surrounding bores, while assessed as small, requires active management to ensure no adverse impacts occur to neighbouring water users, particularly during dry periods. The Commission has therefore imposed conditions requiring the Applicant to:
- ensure that it has sufficient water for all stages of the development including contingency provisions for drought conditions;
 - provide Council with the estimated water requirements and proposed water sources for the development prior to commencing construction; and

- prior to the use of groundwater for construction, ensure that bore GW055998 is compliant with the *Minimum Construction Requirements for Water Bores in Australia*, either through modification of the existing bore to include a sufficient grout seal or by constructing a new, compliant bore within 20 metres of GW055998.

72. The Commission considers that these requirements provide a robust framework to ensure that groundwater use for the Project does not unreasonably impact existing groundwater users and that any emerging impacts can be promptly identified and addressed.

4.7 Decommissioning and rehabilitation

73. The Department advised that it has developed standardised decommissioning and rehabilitation conditions for BESS projects to define clearly the decommissioning triggers applicable to these projects, and to establish rehabilitation objectives (AR, Table 8). The Department advises that, with the implementation of these measures, the Project would be decommissioned appropriately at the end of its operational life, or within 18 months if operations cease unexpectedly, and that the Site would be suitably rehabilitated in accordance with these objectives (AR, Table 8).

74. The Applicant has agreed that it must prepare a detailed Rehabilitation and Decommissioning Plan prior to the commencement of decommissioning activities:

Prior to the commencement of decommissioning activities, the Applicant would prepare a detailed Rehabilitation and Decommissioning Plan in consultation with relevant parties to guide the implementation of the decommissioning works. As discussed in Section 6.8 of the EIS, decommissioning will be undertaken to achieve the rehabilitation objectives for the site. Where deeper infrastructure does not conflict with these objectives, it may remain on site subject to the commitments in the Rehabilitation and Decommissioning Management Plan (Applicant QoN response, page 3).

75. In relation to the Department's recommended rehabilitation objective for underground infrastructure to be removed where buried to depths of less than 500mm, the Department clarified that this approach is consistent with industry practice, allowing buried cabling, conduit and the lower portions of footings to remain *in situ* where deeper removal would cause unnecessary ground disturbance (Department QoN response, page 2).

76. Relying on the Department's advice, the Commission has imposed conditions requiring battery storage and ancillary infrastructure to be fully removed unless it can be demonstrated that its retention would not compromise the rehabilitation objectives. This approach ensures that any decision to retain subsurface infrastructure is justified and does not limit future land capability or agricultural productivity, noting that the ground has been previously disturbed by the installation of the infrastructure.

77. Noting the Applicant's commitment to prepare a Rehabilitation and Decommissioning Plan, the Commission has also imposed a condition requiring the Applicant to prepare such a plan within three years of the commencement of operation. The Commission has required that, at a minimum, the Plan must be updated after 15 years of operation and again within two years prior to decommissioning, ensuring that rehabilitation requirements reflect the most current Site conditions, technologies and land capability expectations.

78. The Commission agrees with the Department's assessment that, with the implementation of objective based conditions, timely preparation and updating of the Rehabilitation and Decommissioning Plan, as well as clear monitoring and verification requirements, the Site can be restored to its preexisting condition following decommissioning. On this basis, the Commission has concluded that the Project is capable of being decommissioned appropriately and the Site rehabilitated successfully at the end of its operational life.

4.8 Other issues

79. The Commission considered other issues including construction noise, road traffic noise and vibration, contamination, land use compatibility, biodiversity, heritage, water, waste, cumulative impacts and dust. The Commission concurs with the Department's assessment of these matters and is satisfied that the potential impacts arising from these issues are capable of being managed and mitigated through the conditions of consent imposed.

5. Determination

80. The Commission finds that the Application is consistent with statutory requirements, is consistent with NSW Government policies and potential impacts can be managed or mitigated through the imposition of conditions of consent, as identified in this report. The Commission has concluded that approval of the Application is in the public interest.
81. Consequently, the Commission has determined to approve the Application subject to the conditions of consent in [Appendix D – Instrument of Consent](#), which require, *inter alia*, the Applicant to:
- prevent, minimise and/or offset any adverse social and environmental impacts of the development;
 - comply with 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.
82. The Commission's reasons for the Decision are given in the Statement of Reasons for Decision dated 19 March 2026.



Mr Michael Chillcot (Chair)
Member of the Commission



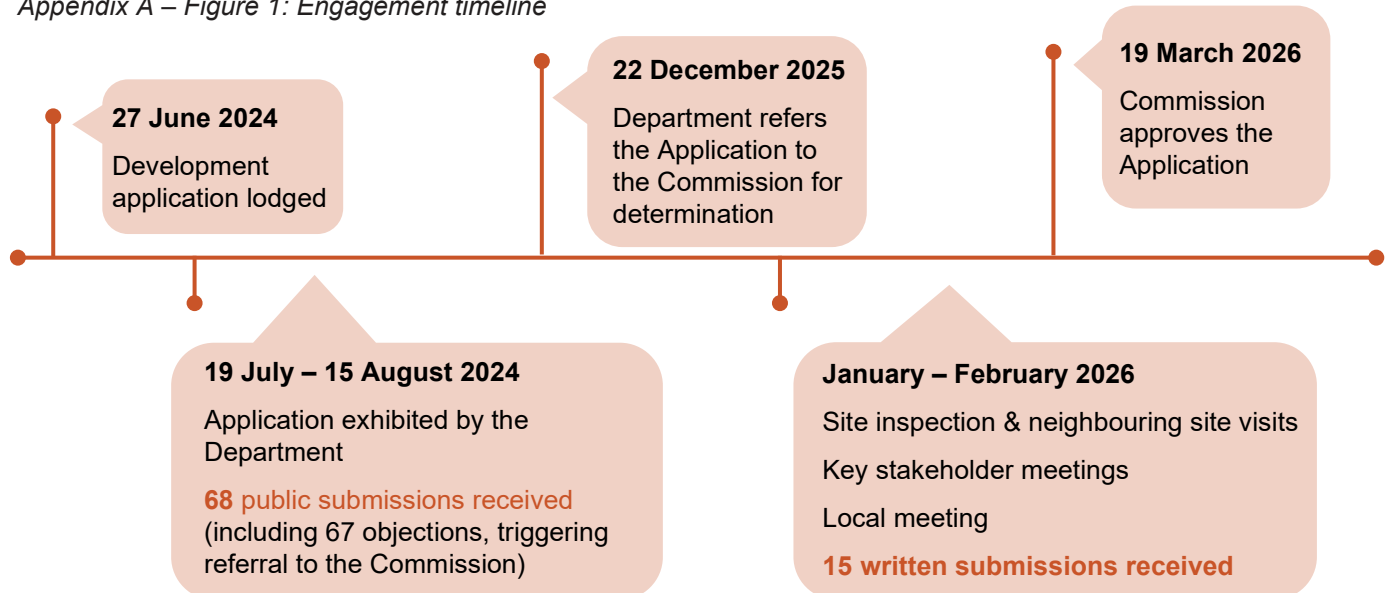
Emeritus Prof Elizabeth Taylor AO
Member of the Commission

Appendix A – Community Consultation Report

Public consultation overview

A summary of the SSD application timeline and key engagement milestones is outlined below.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

The Department exhibited the Project and received 68 unique public submissions, of which 67 were objections and one submission was in support. Chapter 4 of the Department's Assessment Report outlines how these submissions were considered in its assessment.

The Commission's public consultation

The Commission's meetings

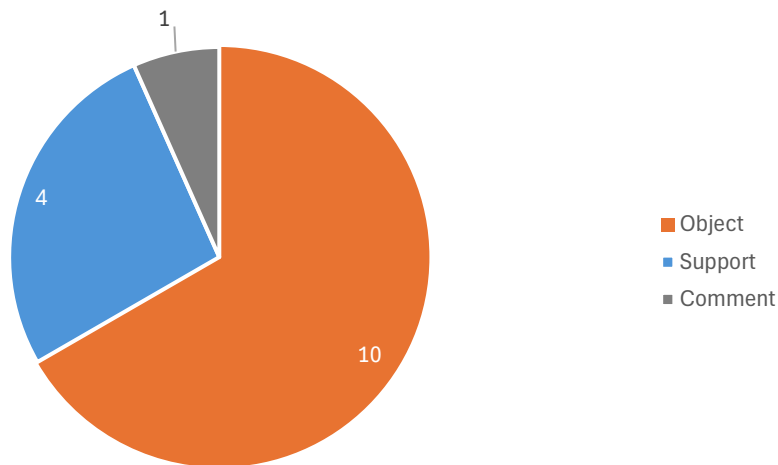
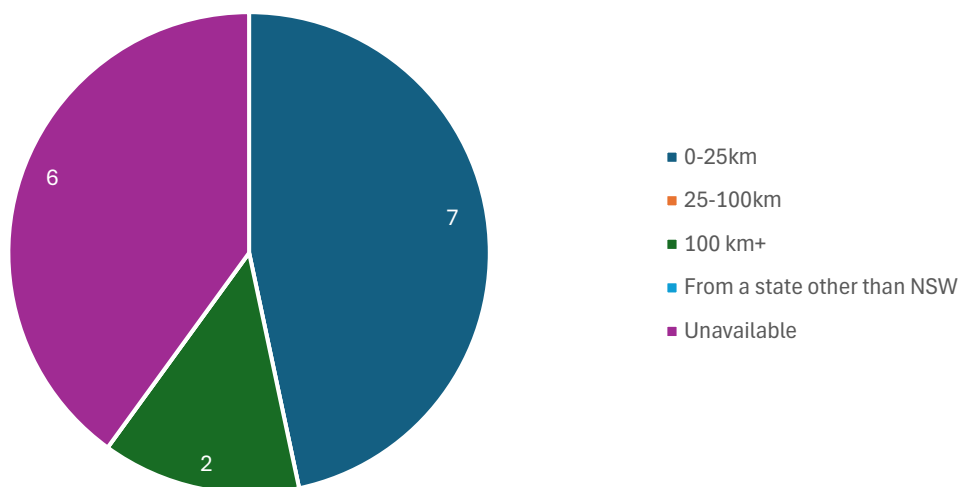
The Commission met with the Department, the Applicant, and Tamworth Regional Council (refer to *Appendix B – Material Considered by the Commission*). Transcripts from these meetings were made publicly available on the Commission's website.

Local meeting

The Commission held a local meeting at Tamworth Town Hall on 4 February 2026 and heard from four members of the community. The meeting was conducted in-person and focused on people who work or live in the locality of the Project.

Written submissions

The community was offered the opportunity to make written submissions to the Commission from 12 January – 10 February 2026. The Commission received a total of 15 written submissions. A breakdown of submission type is provided in *Appendix A – Figure 2* and an analysis of submitter distance from the Site is provided in *Appendix A – Figure 3*.

Appendix A – Figure 2: Submission type overview*Appendix A – Figure 3: Submitter distance from site overview*

Consideration of submissions

The Commission appreciates the time and effort the community put into their submissions. Submissions are one of the materials that the Commission considers and they play a key role in the Commission's decision-making process. Submissions were carefully reviewed by the Commission, whether they were made to the Department during the exhibition period or to the Commission as a written submission or a verbal submission at the local meeting.

Consideration has been given to all submissions that raised concerns about Project-specific matters. *Appendix A – Table 1* reflects the major themes of submissions and provides a summary of the main concerns people raised and how the Commission has considered them in its decision. To view all submissions, please see the submissions tab on the Commission's website:

<https://www.ipcn.nsw.gov.au/cases/kingswood-battery-energy-storage-system>

Appendix A – Table 2: Key matters raised in submissions

Themes raised in submissions from the community	Commission's consideration
Character of the locality Such developments are not in keeping with our rural area – we enjoy the peace and quiet of a rural lifestyle and the proposed BESS will negatively impact upon this.	Many submissions spoke to the impacts the Project would have on the rural character and amenity of the locality. These are impacts that include visual changes to the landscape and outlook, noise, dust, and increased traffic, which, cumulatively, affect the amenity of the surrounding locality. The Commission has considered each of these impacts below individually as they relate to the Project and has outlined the conditions the Commission has imposed to manage and mitigate these impacts.
Visual impact The Project will alter the environmental landscape of the area. The installation of industrial plants in a rural residential area detracts from the natural beauty that residents and visitors value. The BESS will have a stark industrial appearance that is incompatible with the existing aesthetic of the area.	The Project will result in some visual change to the existing landscape. While it is not possible to completely screen the development, mitigation measures will be implemented to ensure the visual impact is minimised to the extent it can be. Mitigation measures include a noise wall and boundary screen plantings along the northern, eastern and southern boundaries of the BESS Facility Area. Refer to section 4.4 of the Statement of Reasons for Decision. <i>Refer to conditions B20 – B22.</i>
Traffic - Construction and operation of the BESS will lead to increased traffic on Burgmanns Lane and surrounding dirt roads. These roads are in poor condition, and additional heavy vehicles will exacerbate their deterioration. - Many roads are unsealed and anything which would see an increase of workers traffic, either during construction or operation, would have a detrimental affect on the road surface.	The Applicant is required to ensure that all heavy vehicles associated with the development must travel to and from the Site via New England Highway, Whitehouse Land and Ascot-Calala Road. Heavy vehicle movements are limited to 80 movements a day during construction, upgrading or decommissioning. Heavy vehicle construction traffic is also prohibited to use the intersection of New England Highway and Burgmanns Lane. The conditions of consent also include provision for road upgrades and maintenance, including the undertaking of dilapidation surveys and details of the measures that would be implemented to address road safety and repair of damaged road caused by the Project. <i>Refer to conditions B1 – B13.</i>
Dust and noise Construction - The Project will generate significant dust and noise pollution during the construction, delivery, and implementation phases. This will disrupt the peaceful, rural environment that residents currently enjoy. - Construction of the BESS will generate substantial dust with increased vehicle use along the local dirt roads.	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 dust minimisation, noise management protocols, and restricted construction hours. In relation to nearby properties affected by noise, the Applicant is also required to notify eligible landowners of their ability to request receiver based architectural treatments to all properties that are predicted to or exceed the default noise objectives for more than 10% of any season. Although there are noise and air quality impacts associated with the Project, these would not result in significant harm to the environment or surrounding residents and are capable of being appropriately managed or mitigated through the conditions.

As a close resident one of the attractions of the locality is that it is quiet and away from the main arterial roads. I would object to any increase in ambient noise.	<i>Refer to conditions B23 – B31.</i>
<i>Operation</i> The site is close to many homes which currently enjoy little to no ambient noise during the night and would be subject to the noise of a cooling plant and equipment running 24/7.	
Insufficient Mitigation Measures The proposed mitigation measures (such as soundproofed windows) do not adequately address the concerns of the affected residents. Rural residents want to be able to enjoy open windows and fresh air. A more effective solution would include the construction of noise walls around the site, with massive trees planted in front to blend the facility into the natural landscape.	The Project will inevitably have some impact on nearby residents and will change the character of the area. However, these impacts are not significant enough to warrant refusal of the Application. The mitigation measures required under the conditions of consent are considered sufficient to appropriately reduce or manage these impacts.
Impact on property value The BESS poses a significant threat to the value of nearby properties. This potential devaluation is not just a number, but a substantial financial burden on these residents who have invested their life savings into their homes.	The impacts of projects on individual property values is not generally a relevant consideration under the EP&A Act, unless the project would have significant and widespread economic impacts on the locality.
Agricultural land - The construction of the BESS will take away land that could be used for farming – it will impact local food production and the livelihoods of those who depend on agriculture. - The Project is located on cleared rural land used for existing electrical infrastructure and cattle grazing. It will have no significant effect on the agricultural impact of the area. The Project is situated 800 metres from the Tamworth Substation and is closely located to proposed surrounding solar farms.	The Project would not compromise the long-term use of the land for agricultural purposes and is capable of being decommissioned and the Site appropriately rehabilitated. The Applicant's obligations in relation to decommissioning and rehabilitation are outlined in conditions B49 and B50.

Fire BESS, particularly those using lithium-ion technology, are known to have a risk of thermal runaway, which can lead to fires that are extremely difficult to control. Local firefighting resources may not be adequately equipped to handle such incidents, further exacerbating the risk to residents and the environment.	The fire risks can be suitably managed through the implementation of standard fire management procedures and recommendations made by FRNSW and the RFS. The Commission has imposed conditions requiring the Applicant to prepare a Fire Safety Study in consultation with FRNSW. The Fire Safety Study is required to address bushfire and facility generated fire scenarios. The Applicant is also required to prepare an Emergency Plan in consultation with FRNSW and RFS.. <i>Refer to conditions B40, and B43-B46.</i>
Flooding The area is frequently cut off by flood waters.	The Site is not identified as being flood impacted however, flooding is noted off-site with access to the Site potentially being impacted. The Applicant is required to prepare a flood emergency response plan for emergency access to and from the Site in the event of a flood. <i>Refer to conditions B35 – B36.</i>
Water/contamination The local residents rely on bore water. This is at risk of contamination.	Water pollution is regulated under the <i>Protection of the Environment Operations Act 1997</i>. <i>Refer to condition B34.</i>
Decommissioning The application does not include a decommissioning, remediation, and contamination bond to reflects the true risk profile of lithium-ion BESS failure.	Adequate provision for decommissioning and rehabilitation of the Site is provided for in the conditions of consent. The Applicant is required to decommission and rehabilitate the Site following the cessation of operations. This includes removing all above and below ground infrastructure and restoring the land capability to pre-existing productive capability. <i>Refer to conditions B49 and B50.</i>

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)	30 October 2023
Applicant’s Environmental Impact Statement and its accompanying appendices	26 June 2024
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Applicant’s Response to Submissions Report and its accompanying appendices	April 2025
All additional information published by the Department on its Major Projects website	Various
Department’s case referral documents including its Assessment Report and recommended conditions of consent	22 December 2025
Comments and presentation material from meetings with:	
• Applicant	29 January 2026
• Council	29 January 2026
• Department	29 January 2026
Observations made at the site inspection and neighbouring site visits	4 February 2026
The following responses to the Commission from:	
• Council	9 February 2026
• Applicant – response to questions on notice (QoN)	10 February 2026
• Department – response to QoN	10 February 2026
Oral submissions made at the local meeting	4 February 2026
All written submissions made to the Commission up until	10 February 2026
Department’s advice to the Commission regarding the imposition of conditions	17 March 2026

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 of the AR 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, including the: • <i>NSW Electrical Strategy (2019)</i>; • <i>NSW Net Zero Plan Stage 1: 2020-2030</i> (and associated implementation update); • <i>New England North West Regional Plan 2036</i> • <i>Tamworth Regional Council Blueprint 100 Document 1</i> (Action 6.5); and • <i>Tamworth Local Strategic Planning Statement</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 the consent authority as more than 50 submissions have been made by way of objection.
Permissibility	The proposed BESS site, transmission cable route options and other associated infrastructure and landscaping works are located within land that is zoned RU4 – Primary Production Small Lots under the TRLEP. The Project is permissible as electricity generating works are permissible with consent on any land in a prescribed non-residential zone, including RU4 Primary Production Small Lots, under section 2.36 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure)</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.
Amended application	A development application can be amended at any time before the application is determined, in accordance with section 37 of the <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i>. The Applicant sought to amend its application twice, in April and October 2025. Broadly, the nature of the amendments included: • addition of two new transmission connection options; • expanded project boundary and footprint; • adjusted access arrangements; • updated transport and haulage routes; • associated road upgrade requirements; and • updated construction traffic volumes. Section 3.1.1 of the Department's AR states that while slightly increasing the development footprint of the Project, the amendments ultimately served to reduce or maintain the impacts of the Project as a whole. The amendments also responded to key issues raised in public and agency submissions received by the Department during the exhibition of the original application and the application as amended in Amendment Report 1, dated April 2025. The Department formally accepted the amended applications (AR, para 25).
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 and Table 2 of the Department's Response to questions on notice identify relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Biodiversity and Conservation) 2021;

	• State Environmental Planning Policy (Transport and Infrastructure) 2021; • Tamworth Regional Local Environmental Plan 2010. The Commission has considered these EPIs as part of its determination, including the provisions under Tamworth Regional Local Environmental Plan 2010 which the Commission must consider before granting consent.
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	The Department's AR, Table 8 states that the Applicant has made an offer to Council to enter into a VPA with a total contribution value of approximately \$3.24 million over the life of the Project comprising \$2.75 million to be paid to Council and \$486,000 towards a range of community projects.
Relevant matters prescribed by the EP&A Regulation	The Commission has considered matters relevant to the Application, as prescribed by the EP&A Regulation.
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 able to physically accommodate the Project with minimal impacts arising within the locality; • it would be co-located with the Tamworth substation and is in proximity to the existing associated transmission lines and electricity infrastructure; • use of the Site for the purpose of electricity storage and release is an orderly and economic use of land; • bushfire, fire and flood risks can be managed and mitigated by relevant management plans and required asset protection zones; • 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; and • impacts on surrounding land uses have been minimised where possible, with some impacts capable of being mitigated through conditions of consent.
The public interest	The Commission has considered the materials identified above in Appendix B – Table 1 and has assessed that the Application is consistent with statutory requirements, that its potential impacts can be managed or mitigated, and it is consistent with ESD principles. The Commission has concluded that approval of the Project is in the public interest and that it should receive consent subject to conditions. The Commission notes that the Application is consistent with State policies concerning the development of renewable energy sources in NSW.

Appendix C – Department's Assessment Report

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

Appendix D – Instrument of Consent

[Link to Instrument of Consent, dated 19 March 2026](#)



New South Wales Government
Independent Planning Commission

ipcn.nsw.gov.au

Phone (02) 9383 2100

Email ipcn@ipcn.nsw.gov.au

Mail Level 15 135 King Street Sydney NSW 2001

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are intended to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

ABN 38 755 709 681