

DEVELOPMENT ASSESSMENT REPORT DA 134/2025

APPLICATION SUMMARY

Application No:	134/2025
Title Details:	Lot: 109 DP: 751703
Address:	Briggs Road STANBRIDGE 2705
Applicant:	Habitat Planning Pty Ltd
Is this a Council related DA:	No
Has this DA been submitted by a Council Staff Member:	No
Has this DA been submitted by a Councillor:	No
Date Application Received:	16/01/2026
Owner:	Mr CE & Mrs KM Bartram
Site Area:	21.87 ha
Zoning:	RU1
Existing Use:	Rural land – grazing (former irrigated cropping)
Proposed Development:	5 MW elect generating works facility+10MWh battery energy storage

Introduction

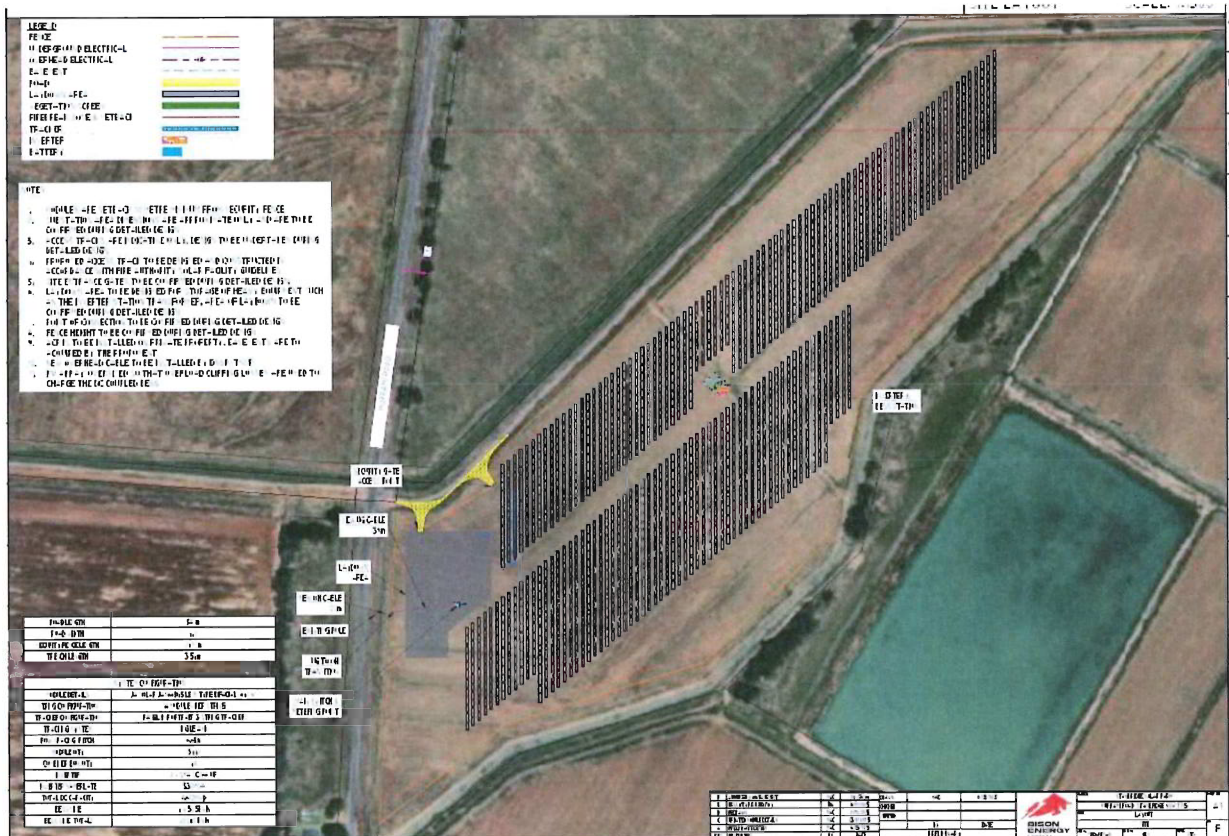
The Development

The applicant seeks development consent for the construction and operation of a 5MW solar electricity generating works facility with an associated Battery Energy Storage System (BESS) at 125 Briggs Road, Stanbridge.

The proposed development comprises:

- Installation of photovoltaic panels mounted on single-axis tracking systems;
- Inverters, transformers, switchgear and associated electrical infrastructure;
- A Battery Energy Storage System (BESS) with capacity of 10 MWh;
- Internal access tracks and ancillary hardstand areas;
- Security fencing and landscaping / visual mitigation works;
- Connection infrastructure to the local electricity distribution network.

Proposed development is shown in Figure 1 below.



Site Description and surrounding land use and development context

The subject land comprises Lot 109 DP 751703 and has an area of approximately 21.87 hectares. The land is zoned RU1 Primary Production under Leeton Local Environmental Plan 2014. The site has historically been used for irrigated cropping. The land is not **currently** irrigated and has transitioned to low-intensity grazing. The surrounding locality is predominantly rural in character, with broad-acre agriculture and dispersed rural dwellings. Site location is shown in the figure -2 below while Site zoning is shown in the figure 3 below.



Figure-2: Site Location



Figure-3: Site Zoning

Site is surrounded by RU1 (Primary Production) zone.

The land has been identified as within the MIA Irrigation Area Map and mapped as Groundwater Vulnerable.

Easements

Easements have not been identified on plan images; there are no known easements that directly affect the proposed development area.

Locality

The site is located approximately 11.3km west of Leeton central GPO.

The surrounding landscape is characterised by agricultural land.

Minimum lot size in the subject zone is 150ha although properties adjacent and surrounding are less than this minimum lot size. Ongoing activities include agriculture primarily.

Site location in figure 2 shows the exact location of the site.

Mapping overlays

- The majority of the site is located within the identified Groundwater Vulnerable area, including the proposed development area.
- The majority of the site is not within the identified Flood Planning area.
- The entirety of the site is listed as Draft -State Significant Agricultural Land.
- The site is Class 3 - High capability land, under the Office of Environment and Heritage's 'The land and soil capability assessment scheme: second approximation'.

See below for mapping extracts



Figure-4: Groundwater Vulnerability Map

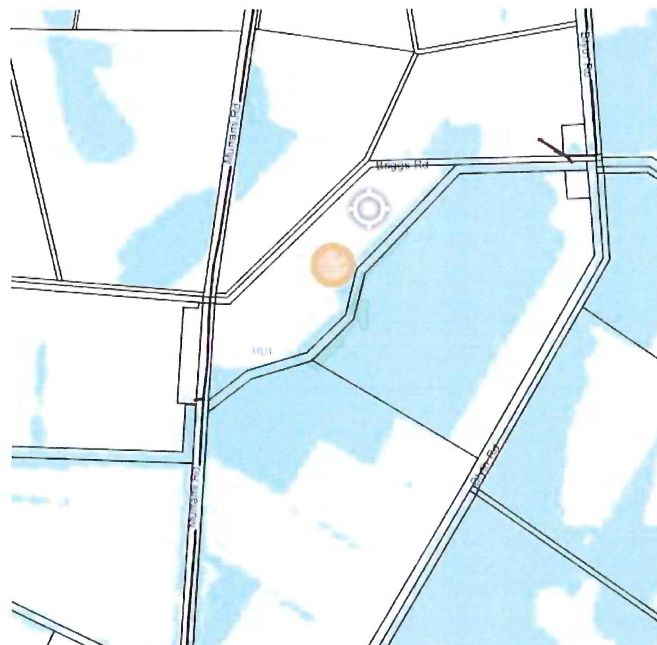


Figure-5: Flood Planning

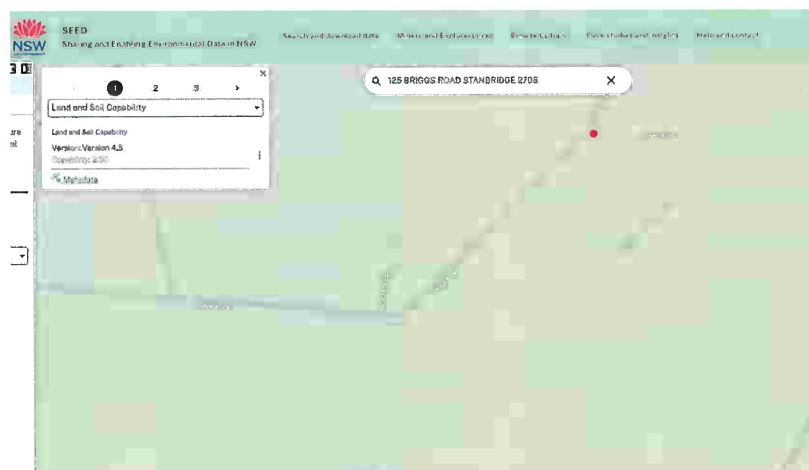


Figure-6: Land Capability Map (3)

Prior Approvals

- DA 129-2001

Referrals

Internal referrals:

The application was referred to Council's Engineering and Building Departments for comments and/or conditions. The following was received.

Referral	Comments	Recommended
Engineering	<i>The application was referred to engineering, conditions are at the end of this report.</i>	Yes, subject to conditions
Building	<i>The application was referred to building, conditions are at the end of this report.</i>	Yes, subject to conditions

External referrals

The proposal has been referred to Essential Energy.

STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

Legislation

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The provisions of the Environment Protection and Biodiversity Conservation (EPBC) Act only relates to proposed actions which have the potential to significantly impact on Matters of National Environmental Significance or the environment or Commonwealth owned land.

Based on the submitted documentation, the proposal is not likely to have a significant impact on any Matters of National Environmental Significance. The development site is not listed as a National Heritage Place. There is not proposed to be any impact on flora and fauna as part of the development.

As a result, there will not be any impact on matters referenced in the EPBC Act and so there is not any need for any assessment to be carried out.

Environmental Planning and Assessment Act 1979

As identified in Clause 2.2 of Leeton Local Environmental Plan 2014, the subject land is zoned RU1 under the provisions of Leeton Local Environmental Plan 2014. Electrical generating facilities, including solar electricity facilities are **not permitted** within this zone.

However, the proposed solar facility is permissible in accordance with SEPP (Transport and Infrastructure) 2021, which determines that solar energy systems on any land in a prescribed non-residential zone **permitted with consent**. As a result, development consent under Part 4 of the EP&A Act will be required.

Section 1.7 EP&A Act – Part 7 Biodiversity Conservation Act 2016

The development site is located in a RU1 and will not remove any significant vegetation; the development will have a minimal impact and not impact on any threatened species in the vicinity. No further assessment is required under this section.

Section 4.14 EP&A Act – Consultation and development consent—certain bush fire prone land

The subject site is not considered to be bush fire prone land.

Section 4.5 Designation of consent authority

The development is declared (in SoEE) and considered (as part of preliminary assessment) as regionally significant development in accordance with the SEPP (Planning Systems) 2021.

Justification of this development is here under,

State Environmental Planning Policy (Planning Systems) 2021

Part 2.4 Regionally Significant Development refers to **Schedule 6** for Regional Significant Development.

2.19 Declaration of regionally significant development: section 4.5(b)

(1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.

Schedule 6 Regionally significant development

5 Private infrastructure and community facilities over \$5 million

Development that has an estimated development cost of more than \$5 million for any of the following purposes—

- (a) air transport facilities, **electricity generating works**, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

The proposal qualifies as Regionally Significant Development, so the Regional Planning Panel will **DETERMINE** the application. Leeton Shire Council will handle assessment and administration.

Section 4.10 Designated Development

The development is not identified as "designated development" as it does not meet the 30MW threshold value of electrical power from a photovoltaic solar powered generator, in accordance with clause 24(3)(c) of Schedule 3, Part 1 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs).

Section 4.46 Integrated Development

The application is not considered to be 'integrated development' as it does not require approval under any Act as listed by Section 4.46 of the EP&A Act.

Section 7.12 EP&A Act Fixed Development Consent Levies

The application meets the requirements of the Leeton Shire 7.12 Contribution Plan and the following contributions are owing:

- i. Cost of works including GST = \$12,430,000/-
- ii. Calculation: \$12,430,000 x 1% (0.01)
- iii. Amount owing: \$124,300/-

A condition will be placed on the consent in accordance with the Plan.

SECTION 4.15 ASSESSMENT

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Planning Systems) 2021

The proposal is electricity generating works with an estimated CIV of \$12,430,000/-. As the CIV does exceed \$5 million and it is privately owned electricity generating works hence it is identified as Regionally Significant Development under Schedule 6, clause 5(a) of SEPP (Planning Systems) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Part 2.3, Division 4 – Electricity generating works or solar energy systems

2.36 Development permitted with consent

(1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—

(a) in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,

(b) in any other case—any land in a prescribed non-residential zone

The proposed development is permissible with consent under the relevant provisions of the SEPP (Transport and Infrastructure) 2021, which enables electricity generating works in rural zones, subject to consent.

Subdivision 2 is applicable to the “Development likely to affect an electricity transmission or distribution network”.

2.48 Determination of development applications—other development

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

In compliance with Section 2.48(2) of the TISEPP, the consent authority must provide written notice to EE, inviting comments on potential safety risks associated with the development's proximity to their assets. The authority is required to consider any response received within 21 days of notification before determining.

Proposed development was notified to Essential Energy through portal by creating an CNR case to which EE responded. That response was shared with applicant who provided an updated Site plan incorporating comments from Essential Energy. The response form applicant was again shared with Essential Energy and in response a generic letter was provided containing instructions related to SOPs near electricity infrastructure.

State Environmental Planning Policy (Primary Production) 2021

Clause of SEPP	Comments
Chapter 2 Primary production and rural development	
Part 2.1 Preliminary Clause 2.1 Aims of Chapter	
(a) to facilitate the orderly economic use and development of lands for primary production,	Complies
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation,	The proposal is located on already disturbed agricultural but high capable land hence doesn't avoid high-value agricultural or environmental resources.

biodiversity and water resources,	Potential land use conflict (visual/amenity) is localised and can be mitigated. Not fully compliance with this aim.
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The subject land is mapped as Draft State Significant Agricultural Land (SSAL) and is identified as high capability agricultural land (Land and Soil Capability Class 3). This classification indicates land that is capable of sustaining a range of productive agricultural uses, including cropping and intensive agriculture, subject to appropriate management practices. The site forms part of a strategic agricultural resource of State importance, intended to be protected from fragmentation, sterilisation or incompatible land uses. Greater weight must be given to retaining the land for ongoing agricultural production and avoiding development that would reduce its long-term productivity or introduce land use conflict.
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts	Stormwater report indicates no increase in runoff and existing drainage patterns maintained. No threatened species or communities identified. No BDAR required. Impacts limited to cleared/exotic vegetation. The proposal protects key environmental resources, with impacts limited to already disturbed land and mitigated through design and management. Accordingly, it is consistent with this

	aim.
(e) to encourage sustainable agriculture, including sustainable aquaculture,	Development is for Electricity Generating works hence it doesn't comply with this clause.
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	N/A
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	N/A

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Clause of SEPP	Comments
Chapter 3 Koala Habitat Protection 2020	
Part 3.2 Development control of Koala Habitats	
Clause 3.5 Land to which this part applies	
This Part applies to land— (a) that is land to which this Policy applies, and (b) that is land in relation to which a development application has been made, and (c) that, whether or not the development application applies to the whole, or only part, of the land— (i) has an area of more than 1 hectare, or (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.	Leeton is identified as being land to which State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 applies. Most of the land around the development is cleared and the trees that remain are not trees that have potential for Koala Habitats. Therefore, not further assessment of SEPP (Biodiversity and Conservation) 2021 is required.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause of SEPP	Comments
Chapter 4 Remediation of Land	
Clause 4.6 Contamination and remediation to be considered in determining development application	
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Leeton is identified as being land to which State Environmental Planning Policy (Resilience and Hazards) 2021 applies. The subject site is not identified as contaminated land and does not require remediation. No further assessment is required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause of SEPP	Comments
Chapter 2 Infrastructure	
Subdivision 2 Development likely to affect an Electricity Transmission or Distribution Network	
Clause 2.48 Determination of development applications – other development	
(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes	Proposed Development was referred to Essential Energy. EE provided their comments which were forwarded to applicant. The applicant updated the site plan and submitted a letter addressing the

(whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line, (c) installation of a swimming pool any part of which is— (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.	comments. The response was provided to EE to see if they are satisfied with the modified plans and response. A Generic letter was received from EE stating that applicant has to apply for encroachment permit if the work will be executed in proximity to the EE infrastructure.
(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must— (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given.	No further assessment is required in this regard.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Clause of SEPP	Comments
Clause 6 Buildings to which Policy applies	
(1) This Policy applies to buildings arising from the following development: (a) proposed BASIX affected	The proposed development is not a BASIX Affected Development (as defined under the <i>Environmental Planning and Assessment Regulation</i>

development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate, (b) proposed BASIX optional development in relation to which a BASIX certificate accompanied a development application or an application for a complying development certificate, despite the fact that the regulations under the Act did not require a BASIX certificate, (c) BASIX affected development and BASIX optional development the subject of a development consent, complying development certificate or construction certificate that, pursuant to the regulations under the Act, is subject to a BASIX commitment. (2) This Policy also applies to buildings that become BASIX affected buildings because of development of the kind referred to in subclause (1).	2021). Accordingly, a BASIX Certificate was not required to be submitted with the Development Application to satisfy the requirements of the <i>State Environmental Planning Policy</i>.
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Leeton Local Environmental Plan 2014

The site is located within the RU1 Zone.

As identified in Clause 2.2 of Leeton Local Environmental Plan 2014, electrical generating facilities, including solar electricity facilities are not permitted within this zone.

"electricity generating works means a building or place used for the purpose of—

- (a) making or generating electricity, or*
- (b) electricity storage."*

The proposed solar electricity facility is permissible in accordance with SEPP (Transport and Infrastructure) 2021, which permits solar energy systems on any land in a prescribed non-residential zone with consent.

As such, consent is required, and the proposal has been assessed against the relevant provisions of Leeton LEP.

The following provisions of the LEP apply:

- Clause 1.2: Aims of Plan
- Clause 2.3: Zone Objectives and Land Use Table
- Clause 2.3 Subclause 1: Land Use Table
- Clause 4.3: Height of Buildings
- Clause 4.4: Floor Space Ratio
- Clause 5.21: Flood Planning
- Clause 6.1: Earthworks
- Clause 6.12: Essential Services

Clause of LEP	Comments
Clause 1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	N/A
(a) to encourage sustainable economic growth and development,	Proposal does add to the investment in the town but it practically removes that land from agricultural activities for the life span of the project. There is service industry in town like fruit packaging, rice products manufacturing and other similar industries which rely on agricultural activities mainly for their production and provide job opportunities to the local population for their functionality. For the life Cycle of the project, land will not be able to be used for agricultural activities hence despite the area being small, the impact will be significant in the long run.
(b) to preserve rural land for all forms of primary production,	Does not comply, as an electricity facility is incompatible function that is not directly related to Primary Production.
(c) to identify, protect, conserve and enhance Leeton's natural assets,	Proposed development doesn't comply this as it is using high capability irrigable land for 20-25 years for non-agricultural proposes.
(d) to identify and protect Leeton's built and cultural heritage assets for future generations,	Not applicable

(e) to allow for the equitable provision of social services and facilities for the community,	Not applicable
(f) to provide housing choices for the community,	Not applicable
(g) to minimise land use conflicts and adverse environmental impacts,	Not applicable
(h) to promote ecologically sustainable development.	Not applicable
Clause 2.3 Zone Objectives and Land Use Tables	
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The development has been assessed in accordance with the RU1 zoning.
Clause 2.3 subclause 1 Objectives of Zone Objectives are as follows:	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The development is not consistent with this objective as it does not maintain or enhance the natural resource base of primary production land. It does alter the existing/established use of the site.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The proposal is for a non-rural use which will not encourage diversity of primary industry enterprises or systems for the locality. The proposed development does propose to change the use of the site.
To minimise the fragmentation and alienation of resource lands.	This is a class 3 high capability land which is proposed to be dedicated for the proposed development (Solar+BESS) over a period of 20-25 years. The proposal doesn't add up with this objective of subject zone.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	Not Applicable
To provide opportunities for intensive and extensive agriculture in appropriate locations consistent with the environmental capability of the land and access to irrigation water.	Proposed development doesn't provide opportunities for intensive and/or extensive agriculture at all.

To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.	Not complied.
To protect and enhance the water quality of receiving watercourses and groundwater systems so as to reduce land degradation.	Not Applicable
Clause 4.3 Height of Buildings	
There is no height limit in the Site Zone.	Not Applicable
Clause 4.4 Floor Space Ratio	
There is no FSR limit in the Site Zone.	Not Applicable
Clause 5.21 Flood Planning	
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	The development land is not located within the identified flood planning area.
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	The development will not adversely affect flood behaviour in a way that can result in detrimental increases in the potential flood affectation of other development or properties.

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	No further assessment is required in this regard.
Clause 6.1 Earthworks	
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed development involves limited and controlled earthworks associated with the installation of solar infrastructure, including pile driving for mounting structures and trenching for underground cabling generally between 0.5–1.0 metres in depth. The site is largely cleared agricultural land with minimal ecological sensitivity, reducing the risk of disturbance to natural systems. Minimal excavation is proposed, with works focused on pile driving and shallow trenching rather than extensive cut/fill operations. Soil disturbance is limited, with the majority of the site remaining permeable and undisturbed beneath the solar arrays. In addition, erosion and air quality impacts (including dust generation) are identified and addressed through mitigation measures such as: Controlled vehicle movements and

	defined access areas. Dust suppression and weather monitoring. Stabilisation of disturbed areas and ongoing site management. Conclusion: Earthworks are minor in nature and subject to appropriate management measures and will not detrimentally impact environmental functions or processes.
Clause 6.12 Essential Services	
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	(a) Supply of water The proposed development does not require a reticulated potable water supply for its operation, as the solar facility is largely automated and remotely monitored. The SEE identifies that: - Water demand is limited to occasional maintenance activities, such as panel cleaning, which will be supplied via water trucks brought to site as required. - No permanent water infrastructure is required, and the development will not place demand on local water supply systems. Conclusion: Adequate arrangements have been proposed for water supply, and the proposal does not rely on existing reticulated services. (b) Supply of electricity The proposal is an electricity generating development, designed to connect to the existing local electricity network. The SEE demonstrates that:

The development includes on-site generation infrastructure, including solar arrays, inverters and a Battery Energy Storage System (BESS).

Electricity will be exported via a connection to the existing network along Murrami Road.

Appropriate referral to the relevant electricity authority will occur in accordance with SEPP provisions prior to determination.

Conclusion: Electricity infrastructure is integral to the development and can be adequately provided and connected to the existing grid.

(c) Disposal and management of sewage

The SEE confirms that:

The development involves very limited on-site staff presence, with operations largely undertaken remotely.

No reticulated sewer infrastructure is required, and any minor waste generated is managed on-site and disposed of off-site at appropriate facilities.

While not explicitly detailed in terms of sanitary facilities, the scale of the development suggests that any requirements would be temporary during construction or minimal during operation.

Conclusion: Given the limited workforce and nature of the development, sewage generation is negligible and can be managed through appropriate temporary or on-site arrangements.

	(d) Stormwater drainage or on-site conservation. Stormwater management is specifically addressed in the SEE: The development will incorporate a swale drainage system to collect and convey runoff. Stormwater discharge will be maintained at pre-development levels, avoiding adverse downstream impacts. The majority of the site remains permeable, limiting increases in runoff. A detailed Stormwater Plan accompanies the application. Conclusion: Adequate stormwater management measures are proposed, ensuring no adverse drainage impacts and compliance with Council requirements. The SEE outlines the proposed access arrangements: Legal and practical access is available via Briggs Road, a local rural road. A new all-weather access point and internal access tracks will be constructed to accommodate construction and operational traffic. Internal roads will enable safe vehicle movement and maintenance access, including heavy vehicles where required. A Traffic Impact Assessment confirms that traffic impacts are manageable and can be accommodated within the existing road network.
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	Conclusion: Suitable vehicular access is available and is capable to be upgraded to an appropriate standard to support the development. The Statement of Environmental Effects demonstrates that all essential services required by the proposed development are either: • available, or • can be adequately provided through on-site or alternative servicing arrangements. Accordingly, the consent authority can be satisfied that the proposal meets the requirements of the essential services clause under Leeton LEP 2014
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1(a)(ii) Draft Environmental Planning Instruments

Although there is a State Significant agricultural map at the draft stage where this land is identified as state significant agricultural land but there are no draft Environmental Planning Instruments to be considered in this assessment.

Any Development Control Plan

Assessment Against Leeton DCP 2022

In principle, the DCP supports development that is permissible with consent under the LEP; however, the general interpretation and the relevant sections that may still apply to the proposed development are discussed below.

DCP Clause / Section	Objective / Control	Proposal	Assessment
Part A – Introduction (Purpose of the DCP)	To give effect to the LEP 2014 and achieve zone objectives and orderly development	The proposal involves establishment of a solar farm on RU1 zoned land within the MIA irrigation area	The proposal does not align with the intended outcomes of the DCP as it introduces a long-term non-agricultural use on land intended for primary production, resulting in conflict with rural zone

			objectives
Part B1 – Site Selection & Analysis	Site suitability to consider: physical constraints, adjoining land uses, access, infrastructure capacity and services availability	Site located within irrigated agricultural land, adjoining rural dwellings, with existing grid infrastructure access	While electricity infrastructure is available, the site presents significant land use conflict due to proximity to irrigated agriculture and rural dwellings. The use is inconsistent with surrounding agricultural land use patterns
Part B – Design Guidelines (General)	Ensure development responds appropriately to site constraints and surrounding land uses	Large-scale solar infrastructure proposed over extensive agricultural landholding	The scale and nature of development is inconsistent with the established rural/agricultural character and introduces a non-compatible land use in the locality
Visual and Amenity Considerations (Part B)	Minimise visual impacts and protect rural amenity	Solar arrays and associated infrastructure visible from surrounding rural properties	Although screening and other suitable measures are suggested but this development has the potential to adversely affect rural visual amenity and landscape character, particularly for nearby dwellings.
Part E – Rural Development	Minimise impact on agricultural land, protect productive land, avoid environmentally sensitive constraints, and minimise visual impacts	Development proposed on land identified as groundwater vulnerable and within the MIA irrigation area	The proposal sterilises productive agricultural land and does not adequately demonstrate minimisation of impacts on agricultural productivity or long-term land use conflict
Part E – Site Selection Principles	Encourage development that avoids fragmentation or loss of viable agricultural land and maintains rural landscape character	Solar arrays proposed across large portions of the site	The proposal results in significant loss of agricultural land for the life of the development and alters the rural landscape character, contrary to DCP intent
Services & Infrastructure (Part E considerations)	Adequate provision of access, electricity, water, and servicing infrastructure	Grid connection available; site within irrigated agricultural system	Adequate infrastructure is there to support the proposed development.
Part K – Flood Risk Management (if applicable)	Ensure development minimises risk to life and property and does not adversely affect flood behaviour	Site is not in flood planning area of Leeton.	Site is not in Flood Planning Area hence the risk associated are minimal.

Overall DCP Conclusion

The proposal is not consistent with the objectives and controls of the Leeton DCP 2022, particularly in relation to:

- Protection of productive agricultural land
- Maintenance of rural land use character
- Avoidance of land use conflict within irrigation areas

Assessment Against Large-Scale Solar Energy Guideline (NSW)

Guideline Matter	Key Requirement / Principle	Proposal	Assessment
1. Strategic Site Selection	Projects should be located on suitable land, avoiding high-value agricultural land and areas of conflict	Site is irrigated agricultural land (MIA) and mapped as State Significant Agricultural Land	The site is not considered strategically suitable as it comprises productive irrigated agricultural land, creating land use conflict inconsistent with guideline intent to prioritise lower-value agricultural land
2. Agricultural Land Impacts	Assess and minimise impacts on agricultural productivity and capability.	Large-scale solar arrays proposed across productive farmland	The proposal results in long-term sterilisation of agricultural land. This is a key inconsistency with the guideline
3. Land Use Compatibility	Development should not adversely affect surrounding land uses or future agricultural viability	Surrounding land uses include irrigated cropping and rural dwellings	Notwithstanding the LUCRA findings, residual land use compatibility concerns remain, particularly in relation to the long-term use of high capability agricultural land, with a reasonable apprehension that such conflicts may intensify over time if proposed mitigation measures are not effectively and consistently implemented.
4. Visual and Landscape Impact	Visual impacts must be assessed using a standardised methodology and minimised	Extensive solar arrays and infrastructure visible from surrounding properties	The project is expected to cause noticeable to significant visual changes in the rural area, especially because of the flat land and wide views. Although mitigation strategies are suggested, there remain concerns about potential negative effects.

5. Glint and Glare	Potential impacts from glint and glare must be assessed and managed	Solar panels proposed over large area	The proposed development meets modelling standards and includes premier plantation in the landscaping as recommendation.
6. Biodiversity and Environmental Impacts	Assess impacts on biodiversity and environmental values and avoid sensitive areas	Site includes modified agricultural land (subject to reports provided)	While impacts may be lower than greenfield sites, the proposal must demonstrate avoidance and mitigation measures. Based on available information, full compliance cannot be confirmed. Conditions may be included in the consent to ensure that the measures will be implemented.
7. Community and Stakeholder Engagement	Early and effective engagement with community is expected	Submissions received from surrounding landowners	A neighbour raised several issues, which the applicant addressed. If consent is granted, conditions can be included to address community concerns.
8. Infrastructure & Grid Connection	Consider access to transmission infrastructure and minimise environmental footprint	Site benefits from proximity to grid infrastructure	This is a positive aspect of the proposal and consistent with guideline objectives for efficient infrastructure connection
9. Waste Management	Ensure proper management, reuse, and recycling of solar components	Decommissioning and waste details provided (if in SEE)	It is essential to provide comprehensive information on lifecycle management, including panel disposal and recycling. Insufficient detail may compromise compliance; however, appropriate conditions can be implemented to effectively address this concern.
10. Decommissioning & Rehabilitation	Land must be capable of being returned to its original use after project life	Long-term solar infrastructure proposed (25–30 years typical lifecycle)	While decommissioning is generally proposed, the ability to fully restore high-value irrigated agricultural land is uncertain and not sufficiently demonstrated
11. Cumulative	Consider	Region experiencing	The area that's being proposed

and Regional Impacts	cumulative impacts of multiple renewable projects in the region	increasing renewable energy proposals	to be used for non agricultural use is not huge yet it is located on a high capability irrigable land. The same land is identified as State Significant Agricultural land on draft map as well. The proposal in long run contributes to cumulative land use change and may impact regional agricultural productivity and landscape character.
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The Likely Impacts of the Development

Agricultural land impacts

DPIRD identified the site as Class 3 LSC due to irrigation infrastructure access and sought an Agricultural Impact Assessment, LUCRA and biosecurity planning. The LUCRA identifies potential conflicts and proposes mitigation measures to reduce risks to acceptable levels.

An Agricultural Assessment Report concludes the site has no water right, has been used for low intensity dryland grazing is not BSAL (Biophysical Strategic Agricultural Land), and grazing able to continue beneath panels. While the area is limited, its strategic value is high due to irrigation capability and SSAL (draft) classification.

Despite the justification, the fact that land is class 3 which is high capability land and has the access to MI water makes it perfectly irrigable land. Loss of such land despite being low in magnitude (in terms of area) for a period of 20-25 years is something that should be considered with its long-term effects. There will be a negative impact on agricultural land as a consequential effect of this development.

Biodiversity

A Biodiversity Assessment Report concludes the subject land is largely exotic grassland with limited native vegetation along fences and that the proposal does not trigger the Biodiversity Offset Scheme or require a BDAR, with no threatened species or TECs (Threatened Ecological Communities) identified as likely within the development footprint.

Not many Biodiversity impacts are considered to be associated with this development.

Aboriginal cultural heritage

An Aboriginal Due Diligence Assessment reports no AHIMS sites within the study area and concludes the site has low archaeological potential due to extensive agricultural disturbance. Standard unexpected finds procedures are recommended for unanticipated Aboriginal objects or ancestral remains. No

impact on aboriginal cultural heritage is associated with the proposed development.

Visual impact and landscaping

A Visual Impact Assessment identifies a range of view-sheds and rates impacts from negligible to moderate-high depending on receptor sensitivity and magnitude. Moderate-high impacts are identified at the dwelling at 149 Murrami Road and at locations immediately adjacent to the site on Murrami Road. The report recommends screen planting (e.g., 3–5m wide shrub planting) as mitigation. Manageable visual and landscaping impacts are anticipated from the proposed development proposal.

Glint and glare

A Glint and Glare Assessment using ForgeSolar reports that none of the four observation points or surrounding routes assessed are calculated to be subject to glare, on the basis that the single-axis tracking system avoids glare provided backtracking is disabled (panels remain at 60 degrees facing west at end-of-day rather than resting flat). The Response to Submissions confirms that an objector's dwelling was included as an observation point (OP1) and that modelling recorded zero minutes of glare.

Glint and glare impacts are there but considering the support documentation, these seem manageable.

Noise and vibration

A Noise and Vibration Impact Assessment identify nearby noise sensitive receivers and establishes construction and operational criteria with reference to NSW guidance. The nearest receiver locations include rural dwellings in proximity to the site. Mitigation measures and standard construction hour controls are identified. Conditions should require compliance with the assessment, implementation of feasible and reasonable mitigation measures, and complaint handling procedures.

There will be Noise and vibration impacts associated with the development specially during construction stage but conditions to follow the mitigation measure can effectively control these impacts.

Traffic and access

A Traffic Impact Assessment describes the local road network (including unsealed Briggs Road and sealed Murrami Road) and reports low existing traffic volumes, with the nearby key intersection operating under excellent conditions. The report assesses construction traffic generation and identifies mitigation measures including scheduling deliveries, designated routes, and traffic management during construction.

Traffic will slightly increase during construction, but no negative impacts are expected after development is complete and operational.

Stormwater and flooding

The Stormwater Management Plan notes no expectation of increased runoff due to the installation of panels, with drainage conveyed via existing swales to

existing culverts and the Gogeldrie Main Southern Drain. The plan references flood study information indicating shallow inundation on site and recommends inverter and BESS infrastructure be set above the relevant flood level to Council's satisfaction.

Impact on existing Stormwater runoff is manageable.

Utilities and Essential Energy

Essential Energy advised that plans should demonstrate minimum clearance distances to electrical infrastructure and identified potential safety risk regarding proximity of security fencing to the 33kV overhead network. An updated site plan has been provided indicating the 33kV 8m easement. Conditions should require compliance with Essential Energy requirements, SafeWork NSW clearances, and completion of all required encroachment / safety advice processes prior to construction.

Impacts to the existing infrastructure of Essential Energy are considered as manageable, subject to the conditions (from Essential Energy) which can be made part of the consent.

Decommissioning

The proposal assumes an operational life of approximately 30 years, after which the development may either continue operating or be decommissioned. In the event of decommissioning, the applicant commits to the full removal of all solar and battery energy storage system infrastructure, including panels, mounting structures, electrical equipment and ancillary works. All materials generated during dismantling are to be separated and transported off-site for recycling or lawful disposal, with the extent of recycling dependent on available industry capacity at the time.

Following removal of infrastructure, the site is to be rehabilitated; **however, the documentation only provides a high-level commitment and does not include a detailed decommissioning methodology or specific rehabilitation measures.**

This issue can be managed with planning condition as part of the consent if given.

The Suitability of the Site

The site is currently vacant and is proposed to be used for solar+BESS. It is class 3 high capability land with access to M1 water.

Positive Attributes:

1. Compatible rural context

The site is located within an RU1 Primary Production zone in a predominantly agricultural landscape, which generally supports utility-scale renewable energy developments.

2. Limited biodiversity constraints

The land is largely cleared and dominated by exotic grassland, with minimal native vegetation and no identified threatened species or ecological communities, reducing environmental constraints.

3. Low Aboriginal heritage risk

The site has been heavily disturbed by agriculture and is assessed as having low archaeological potential, with no recorded AHIMS sites within the study area.

4. Manageable environmental impacts

Studies confirm that impacts relating to noise, traffic, stormwater, glint and glare, and infrastructure are low or acceptable with mitigation measures.

5. Good access and infrastructure proximity

The site has access to local road networks (Briggs Road and Murrami Road) and proximity to electrical infrastructure, making it suitable for connection and servicing.

6. Minimal strategic agricultural loss (at regional scale)

The proposal results in negligible agricultural loss at a regional or state scale, with the ability to continue limited grazing beneath panels.

Negative Attributes:

1. High capability agricultural land (Class 3 LSC)

The site is identified as Class 3 Land and Soil Capability (LSC) with access to irrigation infrastructure, meaning it is productive and valuable agricultural land.

2. Long-term land use conflict

The use of land for solar generation for 20–30 years restricts full agricultural productivity, representing a long-term opportunity cost.

3. Visual impact on nearby receptors

Moderate to moderate-high visual impacts are identified, particularly for:

Adjacent road users

Nearby dwelling at 149 Murrami Road

This may affect local amenity despite mitigation.

4. Temporary construction impacts

Construction will result in:

Noise and vibration impacts

Increased traffic movements

Although temporary, they still affect nearby receptors.

5. Concept-level decommissioning

Decommissioning commitments are high-level only, with:

- No detailed methodology

- No clear rehabilitation standard

- Introduces uncertainty about long-term land restoration.

6. Potential conflict with irrigation potential

While currently used for low-intensity grazing, the presence of irrigation infrastructure access indicates the land could support more intensive agriculture in the future.

The site is physically capable of accommodating the proposed infrastructure. However, the key suitability issue is strategic: the site forms part of the irrigated agricultural landscape (MIA) and is identified by DPIRD as **Class 3 capability due to irrigation infrastructure access**. Council's adopted position is to oppose solar farms on land currently under or with current potential to be under irrigation. On balance, the site is **not considered suitable** for conversion to a long-term non-agricultural land use.

Submissions

Exhibition and notification

The application was publicly exhibited from Saturday 31 January 2026 to Saturday 28 February 2026, with submissions closing 5:00pm on Saturday 28 February 2026. Neighbour notification was also undertaken for adjoining landowners.

Summary of submissions received

Submission Source	Key matters raised	Applicant response provided	Assessment officer comment
DPIRD	Requested Agricultural Impact Assessment, LUCRA, biosecurity planning and groundcover management for Class 3 LSC land	AIA (Appendix J), LUCRA (Appendix I), Biosecurity Plan (Appendix K), groundcover management commitments	Requests addressed; documentation provided for assessment. DPIRD were provided with additional info as they requested.
		Applicant	DPIRD is satisfied

		responded to the letter (in response to additional info) stating that subject land is not currently irrigable: and/or Does not possess high agricultural capability. Applicant took the support of Agricultural impact Assessment report. Applicant requested a merit based assessment.	with info provided, however it still believes such development is likely to have cumulative impacts on the viability of the irrigation area.
Essential Energy	8 m clearance to 33kV infrastructure; fence proximity; SafeWork clearance; encroachment process	Updated site plan with 33kV 8m easement notation (Appendix L) and commitment to progress encroachment approvals as required.	Matters can be managed by conditions requiring compliance with Essential Energy requirements and clearances. Applicant revised the site plan to comply with distance requirement mentioned by EE. Essential Energy were forwarded this updated plan and a

			generic letter came in response stating that applicant is to comply with SOPS while working in proximity of EE infrastructure and encroachment permits is required from EE to work in proximity.
Public submission (adjoining owner)	Cumulative impacts, visual impacts, glint and glare modelling, microclimate/heat, construction and operational noise, request for additional conditions and property value impacts	Response to Submissions letter addressing each issue and confirming OPI included in glare model; reliance on existing technical assessments	Issues are typical amenity matters; can be addressed through existing assessments and conditions. Property value is not determinative. The applicant's response was sent to the neighbour, but after two reminders, no reply was received.

The Public Interest

The public interest requires a balanced consideration of both the benefits of renewable energy generation and the protection of irrigated agricultural land and rural resources.

Leeton is primarily an agricultural town. According to the ABS Census, the top employing industries are Manufacturing (16.6%), Agriculture, Forestry, and Fishing (11.4%), and Education and Training (11.2%).

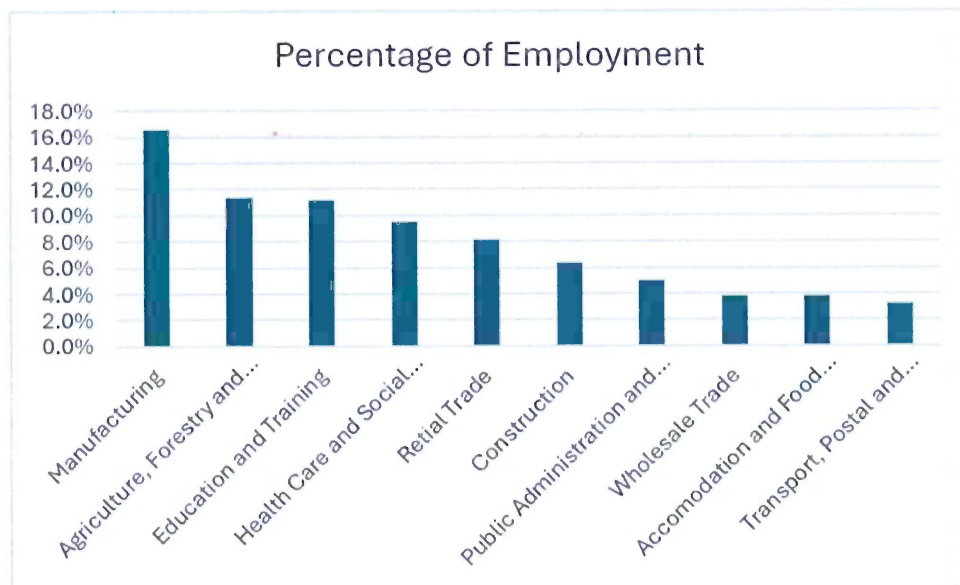


Figure-7: Employing Industries in Leeton (2019)

Source: Australian Bureau of Statistics (ABS) Census of Population and Housing

The graph above shows that agriculture-related employment is the second largest employment sector in Leeton. Agriculture-related employment represents a significant component of the local economy, and the manufacturing sector is closely linked to agricultural output, including rice processing, juice production and fruit packaging.

In this context, the protection of agricultural land, particularly land with **irrigation capability**, is a critical consideration in development assessment within the Shire.

Recent development trends indicate increasing pressure on RU1 (Primary Production) land for electricity generating works, with multiple solar and battery proposals lodged in a short period. This raises broader strategic concerns regarding cumulative impacts and precedent for non-agricultural uses on productive land.

In the first quarter of the year, Council received four development applications for electricity generating works, including solar and battery projects (DA 17/2026, DA 2/2026, DA 148/2025/2 and DA 134/2025). All of these applications were lodged on RU1 (Primary Production) land.

In 2019, Council passed a resolution in relation to a similar development in Yanco, which is shown in Figure 8 below.

MINUTES INDEX		
1/05/2019		
Resolution Number	Name of Item	Detail
19/085	YANCO SOLAR FARM ENVIRONMENTAL IMPACT STATEMENT (EIS) FEEDBACK TO DEPARTMENT OF PLANNING	19/085 Resolved THAT: - Council to lodge a submission including recommended conditions of consent on the proposed Yanco Solar Farm located in and around Research and Toorak Roads submitted by Ib vogt GmbH with such submission to address the following issues: - Grave concerns about the loss of prime (irrigated) agricultural land and value adding industries within Leeton Shire and the Western Riverina, which are the foundation of our local and regional economy; - Risks to the viability and sustainability of Murrumbidgee Irrigation water infrastructure, compromising the future availability of water for farms; - Concerns about the short and long-term impact of stranded on-farm irrigation infrastructure; - Concerns about the legitimacy of the economic analysis and authorises the General Manager to commission independent advice to test the validity of the economic analysis provided within the EIS. - The draft submission be circulated to Councillors by email prior to submission being lodged. - Council lobbies the Member for Murray to support the case for not losing prime agricultural land, especially irrigation farms. - The use of high value primary agricultural land for State Significant projects be included in the agenda for the next Riverina and Murray Joint Organisation meeting.

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Figure-8: Council's resolution (2019)

Council represents the broader public, as councillors are elected by the community. It is therefore appropriate to consider Council's position when assessing the public interest of a proposed development.

When asked whether Council maintained the same position on solar farms and battery projects on agricultural land, the General Manager referred the matter to Council for consideration.

Council approved a resolution in 2026 reaffirming its 2019 position. The resolution is shown in Figure 9 below.

OCM 26/337

Resolved

THAT Council:

- Formally opposes the development of solar farms on land within the Leeton Shire that:
 - Is currently under or has current potential to be under irrigation; and
 - Is identified as State Significant Agricultural Land under the (draft) DPI SSAL mapping.
- Continues to advocate strongly to the NSW Government that irrigated agricultural land within the Leeton Shire be afforded the highest level of protection from non-agricultural development, including large-scale solar farms.
- Supports a merit-based, case-by-case assessment approach for solar farm development proposals on land that:
 - Is not currently irrigable; and/or
 - Does not possess high agricultural capability.
- Provides this position to relevant State agencies, including the NSW Department of Primary Industries and the Department of Planning, Housing and Infrastructure, as part of ongoing consultation on the (draft) SSAL mapping and renewable energy policy framework.

(Moved Mayor Cr. George Weston)

Cr. Tracey Morris entered the meeting at the time being 6.55pm

Figure-9: Council's resolution (2026)

Council resolved to formally oppose solar farm development on irrigated or potentially irrigable land and land identified as State Significant Agricultural Land.

1. Council formally opposes the development of solar farms on land within the Leeton Shire that: (a) is currently under or has current potential to be under irrigation; and (b) is identified as State Significant Agricultural Land under the (draft) DPI SSAL mapping.
2. Council continues to advocate strongly to the NSW Government that irrigated agricultural land within the Leeton Shire be afforded the highest level of protection from non-agricultural development, including large-scale solar farms.
3. Council supports a merit-based, case-by-case assessment approach for solar farm development proposals on land that is not currently irrigable and/or does not possess high agricultural capability.
4. Council provides this position to relevant State agencies as part of ongoing consultation on the (draft) SSAL mapping and renewable energy policy framework.

Council has adopted a position prioritising protection of irrigated agricultural land from non-agricultural development. Approval of the proposal on land with irrigation potential would be inconsistent with that adopted position.

The 2026 resolution reaffirms the position previously adopted by Council in 2019.

The proposal is inconsistent with Council's adopted position on this issue.

While renewable energy generation is supported in principle, the **protection of irrigated agricultural** land is a critical public interest consideration for Leeton Shire. Approval would be inconsistent with Council's position and establish an undesirable precedent.

It is to be noted that DPIRD has identified the subject land as Class 3 capability due to access to irrigation infrastructure, and the DA form also identifies the land as Class 3 capability within the MIA irrigation area map.

The primary public interest considerations relate not to the site area itself (21.87 ha), but to:

- **the land's Class 3 agricultural capability,**
- **its identification as Draft State Significant Agricultural Land, and**
- **the long-term nature of the proposal (approximately 30 years).**

These factors elevate the importance of protecting agricultural land in public interest assessment.

While renewable energy generation is supported in principle, in this instance the locational attributes of the site, particularly its agricultural capability and irrigation potential, outweigh the benefits of the proposal.

The proposal is not considered to be in the public interest, as it is inconsistent with Council's adopted position and may contribute to the incremental loss of irrigable agricultural land within the Shire.

CONCLUSION

The proposed development has been assessed having regard to the relevant provisions of the Environmental Planning and Assessment Act 1979, applicable State Environmental Planning Policies, the Leeton Local Environmental Plan 2014, the Leeton Development Control Plan 2022, and all submitted documentation. Whilst the majority of technical and environmental impacts associated with the proposal are capable of being managed through appropriate mitigation measures and conditions of consent, the assessment identifies a fundamental and effectively irreversible land use conflict.

The subject land is identified as **Class 3 high capability agricultural land** with access to irrigation infrastructure and is located within the Murrumbidgee Irrigation Area and mapped Draft State Significant Agricultural Land. The proposed development would result in the **long-term alienation** of this land from productive agricultural use for a period of approximately 20–30 years. Notwithstanding the relatively limited site area, the strategic importance of the land to the broader agricultural resource base of the Leeton Shire elevates the significance of this impact.

Having regard to the **objectives of the RU1 Primary Production zone**, the aims of relevant environmental planning instruments, and **Council's adopted position (OCM 26/337)**, the proposal is considered to represent a fundamental conflict with the strategic intent to protect irrigable agricultural land. Approval of the development would undermine this strategic objective and establish an undesirable precedent for further encroachment of non-agricultural land uses within irrigated agricultural areas.

On balance, the proposal is not considered to be in the public interest. Accordingly, refusal of the development application is warranted.

RECOMMENDATION

The development application is recommended for refusal for the following reasons:

1. Inconsistency with Zone Objectives

The proposal is inconsistent with the objectives of the RU1 Primary Production zone under the Leeton Local Environmental Plan 2014, including objectives relating to the preservation and ongoing use of rural land for primary production, the protection of agricultural resources, and the provision of opportunities for agricultural activities consistent with land capability and access to irrigation water.

2. Loss of High Capability Agricultural Land

The subject land is identified as Land and Soil Capability Class 3 with access to irrigation infrastructure and is located within the Murrumbidgee Irrigation Area. The proposal would result in the long-term alienation of land with current and future irrigation potential, leading to an unacceptable reduction in productive agricultural capacity.

3. Public Interest

The proposal is contrary to Council's adopted position (OCM 26/337), which formally opposes solar farm development on land that is currently under, or has the potential to be under, irrigation, and land identified as State Significant Agricultural Land.

The proposal is not considered to be in the public interest, as it is inconsistent with Council's adopted position and may contribute to the incremental loss of irrigable agricultural land within the Shire.

4. Strategic Land Use Conflict and Precedent

The development represents a fundamental and effectively irreversible land use conflict with the strategic objective of protecting irrigated agricultural land within the Leeton Shire. Approval would establish an undesirable precedent, giving rise to cumulative effects associated with the progressive conversion of rural resource land with irrigation potential to long-term non-agricultural uses.

PANEL SUMMARY / RECOMMENDATION REPORT

DA 134/2025 seeks approval for the construction and operation of a 5MW solar electricity generating facility with an associated 10MWh Battery Energy Storage System (BESS) on RU1 Primary Production land within the Stanbridge locality. The subject land is identified by DPIRD as Land and Soil Capability Class 3 due to access to irrigation infrastructure and is located within the Murrumbidgee Irrigation Area. Council's adopted resolution (OCM 26/337) formally opposes solar farm development on land that is currently under, or has the potential to be under, irrigation.

While the technical and environmental impacts of the proposal are generally capable of being mitigated through appropriate conditions, the development gives rise to a **fundamental strategic land use conflict** with the **objectives of the RU1 zone** and **Council's adopted position** relating to the protection of irrigated agricultural land. The proposal would result in the long-term alienation of land with current or potential irrigation capability and contributes to cumulative pressures on the agricultural resource base of the Shire. Accordingly, the proposal is not considered to be in the **public interest**, and refusal is recommended.

Assessing Officer:

I have not identified any conflicts of interest in this process.



Ali Mehdi
Town Planner

Date: 03/06/2026

Approved under delegated authority:



Francois Van Der Berg
Manager Planning, Building & Health

Date: 03/06/2026

CONDITIONS (Should the Planning Panel Consider Approval)

Without limiting the Panel's discretion, the following conditions are recommended should consent be granted:

General

1. Approval is granted for Installation of battery energy storage system (BESS) works in conjunction with solar farm at Lot 109 DP 751703, located at Briggs Road, Leeton NSW 270.

The development at the property is to be undertaken in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation detailed as follows except where

modified in red on the stamped documents or by any of the conditions of this consent.

Document	Title	Sheet no:	Prepared by:	Dated:
Statement of Environmental Effects.	Lot 109 DP 751703	1-44	Habitat Planning	Nov. 2025
Site Plan, Layout & Elevations	Lot 109 DP 751703	1-6	Bison Energy	26-08-25
Stormwater Management Plan	Lot 109 DP 751703	1-1	JCA Land Consultants	04-07-2025
Traffic Impact Assessment	Lot 109 DP 751703	1-52	Traverse Transport Pty Ltd	10/11/2025
Noise and Vibration Impact Assessment	Lot 109 DP 751703	1-55	BE PRO STB PTY LTD	8 Oct 2025
Landscape Plan & Visual Assessment	Lot 109 DP 751703	1-22	YONDER LANDSCAPE ARCHITECTURE	8 July 2025
Glint and Glare Assessment	Lot 109 DP 751703	1-15	Bison Energy Company	May 2025
FORGESOLAR GLARE ANALYSIS	Lot 109 DP 751703	1-9	Applicant	May 08 2025
EPBC Act Protected Matters Report	Lot 109 DP 751703	1-12	Applicant	01-Oct-2025
Biodiversity development assessment report	Lot 109 DP 751703	1-49	Biodiversity Australia Pty Ltd	September 2025
Aboriginal Due Diligence Assessment	Lot 109 DP 751703	1-63	Biosis APEM Group	11 Sep 2025

Appendix I-LUCRA	Lot 109 DP 751703	1-15	Habitat Planning	April 2026
Appendix J- Agricultural Impact Assessment	Lot 109 DP 751703	1-11	MERIDIAN AGRICULTURE	6 April 2026
Appendix K - Farm Biosecurity Action Planner	Lot 109 DP 751703	1-22	Applicant	-
Appendix L- Site Plan	Lot 109 DP 751703	1-1	BISON ENERGY	04/03/26

{Reason: To ensure that the development is undertaken in accordance with that assessed}

Minimisation of harm to the environment

2. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

{Reason: To ensure the protection of the environment.}

Structural adequacy

3. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the National Construction Code - Building Code of Australia (current edition).

Advisory Notes:

Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

Operation Of Plant And Equipment

4. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
 - a. maintained in a proper and efficient condition; and
 - b. operated in a proper and efficient manner.

{Reason: To ensure plant and equipment operates efficiently and does not cause environmental harm.}

Agricultural Land Management

5. The development must be carried out in a manner that minimises impacts on agricultural land and enables the continued productive use of the land for agricultural purposes.
 - a. Groundcover management practices including slashing and/or controlled livestock grazing must be implemented;
 - b. Soil health must be maintained and land must not be degraded through erosion, compaction or contamination;
 - c. Agricultural productivity of the land must be maintained for the life of the development.

All management practices are to be consistent with the Agricultural Impact Assessment and LUCRA submitted with the application.

{Reason: To ensure appropriate management of agricultural land (LSC Class 3) and minimise land use conflict.}

Agricultural Biosecurity

6. Biosecurity measures must be implemented and maintained for the duration of the development in accordance with the Farm Biosecurity Action Plan.

This shall include:

- a. Control and monitoring of weeds, pests and diseases;
- b. Management of vehicle and personnel access to prevent contamination;
- c. Ongoing monitoring and response to biosecurity risks.

{Reason: To minimise potential biosecurity impacts on surrounding agricultural land uses.}

Essential Services

7. The development is to be provided with a water supply appropriate to the operation of the development and use of the site.
The development is to be provided with electricity supply appropriate to the operation of the development and use of the site.

Provision of these services is applicants' responsibility.

{Reason: To ensure that the development has appropriate essential services for operation.}

Fire Safety – BESS and Associated Infrastructure

8. The development is to be designed, constructed and maintained to ensure appropriate fire safety measures are implemented for all battery energy storage and associated infrastructure, including:
- i. Compliance with the relevant fire safety performance requirements of Volume One of the NCC 2022 for special hazard facilities;
 - ii. Compliance with applicable Fire and Rescue NSW guidance for large-scale external lithium-ion Battery Energy Storage Systems (BESS);
 - iii. Provision of appropriate fire prevention, detection and suppression measures in accordance with industry best practice;
 - iv. All fire safety systems and measures are to be maintained for the life of the development in accordance with their design and certification.

{Reason: To ensure appropriate fire safety measures are implemented and maintained for the development.}

Temporary Structures

9. Temporary use structures shall be placed on-site in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Division 3, Subdivision 3.

{Reason: To ensure compliance with Clause 2.112 Development Standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Contributions and Fees

10. In accordance with the Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12), the applicant shall pay the following Section 7.12 monetary contribution:

a. Amount of Contribution;

i. Cost of works including GST = \$12,430,000/-

ii. Calculation: \$12,430,000 x 1% (0.01)

iii. Amount owing: \$124,300/-

b. Timing and Method of Payment

The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

c. Indexing

The contributions will be adjusted in accordance with the requirements of the Leeton Shire Council Developer Contribution Plan (Fixed Levy-Section 7.12)

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

11. Murrumbidgee Irrigation (MI) approval is required for the following:

- a. Any alterations to the supply and/or drainage of irrigation water for the development.
- b. Construction or alteration of an access or road over their supply or drainage structures.
- c. Discharge of stormwater either by gravity or by pumps into their drainage system.
- d. Disposal of groundwater and seepage resulting from the development into their drainage system.

Written confirmation of approval and any scheduled works are required prior to the issue of any Construction Certificate.

{Reason: So that any changes or infrastructure works relating to the relevant authority is approved. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.}

12. A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the construction of access driveway for this development. An

application must be submitted to Council and approved prior to issue of Construction Certificate.

The Section 138 application is to include:

- i. Detailed construction plans, including a long section, where appropriate.
- ii. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council of all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- iii. A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Transport for NSW (TfNSW) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites " manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

Construction Environmental Management Plan

13.A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The CEMP is to address environmental impacts during construction and decommissioning and is to include the following:

- a. Traffic Management Plan;
- b. Soil and Water Management Plan;
- c. Erosion and Sediment Control Plan;
- d. Waste Management Plan.

The CEMP is also to include:

- i. Measures to manage construction noise in accordance with the Interim Construction Noise Guideline (DECC, 2009);
- ii. Measures to minimise impacts on surrounding land uses and sensitive receivers, including noise, vibration and lighting;

iii. Measures to control dust and maintain air quality during construction and decommissioning.

{Reason: To ensure construction activities are undertaken in a safe and environmentally responsible manner and to minimise impacts on the surrounding environment and locality.}

Construction Amenity

14. The Applicant must minimise impacts on neighbouring properties during construction by:
- a. Providing advance notification of high-impact works such as piling;
 - b. Restricting high-noise activities to approved construction hours;
 - c. Implementing reasonable respite periods where prolonged works occur.

{Reason: To protect the amenity of surrounding landowners.}

Traffic Management Plan – Construction Phase

15. A Traffic Management Plan is to be included in the Construction Environmental Management Plan and submitted to Council prior to the issue of a Construction Certificate. The Plan is to address traffic and access impacts during construction and decommissioning, and include:
- a. Suitable site access designed in accordance with Austroads requirements, including safe intersection sight distance;
 - b. Provision and maintenance of a rural-type access in accordance with Council standards;
 - c. On-site parking, loading/unloading and turning areas to ensure vehicles enter and exit the site in a forward direction, with no queuing on public roads;
 - d. Preparation and implementation of Traffic Control Plans (TCPs) in accordance with AS1742.3 by a suitably qualified person;
 - e. Measures to ensure no mud or debris is tracked onto public roads, including immediate clean-up if required;
 - f. Rectification of any damage to Council infrastructure caused by the development.

{Reason: To ensure safe and efficient traffic management and to protect the integrity of the public road network.}

Soil and Water Management Plan

16. A Soil and Water Management Plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate, detailing the management of soil and water impacts during construction, operation and decommissioning, including:
- a. Measures to ensure post-development drainage does not exceed pre-development flow rates;
 - b. Management of surface water to prevent adverse impacts on adjoining properties and drainage infrastructure, including discharge to existing Murrumbidgee Irrigation Ltd assets where applicable;
 - c. Measures to minimise soil disturbance, maintain groundcover, and control erosion and sediment movement.

{Reason: To protect the natural environment and adjoining land from soil, drainage and stormwater impacts.}

Erosion Control Plan

17. An Erosion and Sediment Control Plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate, detailing the management of erosion and sediment impacts during construction, operation and decommissioning, including:
- a. Implementation of erosion and sediment controls in accordance with *Landcom – Managing Urban Stormwater: Soils and Construction (Blue Book)*;
 - b. Stabilisation of disturbed areas and maintenance of groundcover to minimise erosion and weed spread;
 - c. Use of clean fill material (VENM) where required;
 - d. Measures to prevent tracking of soil or mud onto public roads, including immediate clean-up if this occurs;
 - e. Progressive rehabilitation of disturbed areas, including revegetation.

{Reason: To protect the natural environment and adjoining land from erosion and sediment impacts.}

Waste Management Plan

18.A Waste Management Plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate, detailing the management of all waste generated during construction, operation and decommissioning, including:

- a. Waste minimisation, reuse and recycling measures;
- b. Classification, storage and disposal in accordance with NSW EPA requirements;
- c. Management of construction, operational and decommissioning waste, including solar panels and infrastructure;
- d. Use of licensed waste transport and disposal facilities;
- e. Measures to prevent pollution and off-site impacts

{Reason: to minimise impacts of waste and to comply NSW Environment Protection Authority (EPA) regulations, to ensure safe handling of complex and hazardous materials, and to comply with Protection of the Environment Operations Act 1997.}

Landscape Management Plan

19.A Landscape Management Plan is to be submitted to, and approved by, Council prior to the issue of a Construction Certificate. The Plan is to address the following:

a. Vegetation Screening Buffer

i. A vegetation screening buffer is to be established along the perimeter of the site, particularly adjoining sensitive receivers and public road frontages (including Briggs Road and Murrumbidgee Road), generally in accordance with the approved Landscape Plan.

ii. The vegetation buffer is to be a minimum width of 3 metres and is to consist of dense planting at a suitable density to effectively screen the development.

iii. Plant species selection is to be appropriate to the local environment and capable of achieving an effective visual screen within a reasonable timeframe.

b. Plan Details

i. Details of planting species, spacing, densities and staging of works.

- ii. Details of any proposed irrigation or watering systems.
- iii. Ongoing maintenance measures, including replacement of dead or diseased plants.
- c. Implementation and Verification
 - i. All vegetation screening is to be installed prior to the issue of an Occupation Certificate, or as otherwise agreed by Council.
 - ii. The establishment of landscaping is to be verified by Council or a suitably qualified person prior to the issue of an Occupation Certificate.
- d. Ongoing Management
 - i. All landscaping and screening vegetation is to be maintained for the life of the development.
 - ii. Where grazing (e.g. sheep for vegetation management) is undertaken on site, the screening vegetation is to be protected from grazing to prevent degradation.
- e. Weed Management
 - i. The Plan is to include measures for the ongoing control of noxious weeds within the site.

{Reason: To ensure appropriate visual screening of the development, minimise impacts on the surrounding rural environment, and ensure ongoing establishment and maintenance of landscaping in accordance with Council's planning objectives.}

CONSTRUCTION CERTIFICATE

20. No activity is to be carried out on site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and/or
 - b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

21. Should Council be appointed as the Principal Certifying Authority, an application for Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

22. Prior to the issue of any Construction Certificate a practicing structural engineers design and certification of concrete pads and footings shall be submitted to the Certifying Authority.

{Reason: To ensure the structure is certified by an appropriately qualified structural engineer and the footings are adequate for the site's soil conditions and imposed loadings.}

PRIOR TO THE COMMENCEMENT OF WORKS

23. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCPs are to be maintained for the full duration of works.

{Reason: to protect the public where interruptions to normal traffic flow for vehicles and pedestrians are expected.}

24. Prior to the commencement of works erosion and sediment control measures are to be established and maintained for the duration of construction works and the life of the development.

This work is to be in accordance with Landform's Soils and Construction Volume 1, Managing Urban Stormwater ("Blue Book")

NOTE: All erosion and sediment control measures shall be in place prior to earthworks commencing.

{Reason: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised.}

25. Prior to issue of a construction certificate developer should submit a heavy vehicle movement plan along the road network designating the which path is to be used. Prework work Dilapidation Report with recommendations on planned path must be submitted to council.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

26. A sign is required to be erected in a prominent position on the work site on which building work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the Principal Certifying Authority for the work;
- b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out, but shall be removed when the work has been completed.

{Reason: To ensure compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

DURING WORKS

27. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

28. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays – 8:00am to 1:00pm except as noted in Clause 'b'

- a) No work is permitted on Sundays and Public Holidays
- b) No work is permitted on Saturdays when a public holiday is adjacent to that weekend, construction industry awarded rostered days off or on Construction industry shutdown long weekends.

{Reason: To protect the amenity of the surrounding environment and to meet compliance with the Protection of the Environment Operations Act 1997.}

29. Temporary toilet accommodation are to be provided throughout the course of building operations by means of a chemical toilet complying with the requirements of the Department of Environment and Climate Change or a temporary connection, by a licensed plumber and drainer, to Council's sewer where available.

{Reason: To ensure all workers on site have access to toilet facilities.}

30. Any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

31. Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the

road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

32. All vehicular movement when entering and leaving the site shall be in a forward direction to ensure that the development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

{Reason: to provide a level of safety in relation to vehicle movements onto and off the site.}

33. Development likely to affect an Electricity Transmission or Distribution Network

- I. A minimum separation distance of 8 metres must be maintained from Essential Energy infrastructure.
- II. Any encroachment requires prior approval from Essential Energy.
- III. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.
- IV. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- V. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- VI. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- VII. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

- VIII. *Note: If your site's energy demand exceeds Essential Energy's standard limits, electricity supply upgrades may be required, including the possible installation of a padmount substation within your development. It is advised to use Essential Energy's Connection portal early to identify network needs and plan accordingly. Should network augmentation be necessary, consult the current list of Accredited Service Providers (ASPs) at <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply> to arrange the necessary works."*
- {Reason: To ensure safety of electrical infrastructure and compliance with Essential Energy requirements.}**

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

34. Any access Driveway construction and surrounding works shall be completed prior to the issue of an Occupation Certificate.
- {Reason: to ensure suitable vehicular access to the development is available to the new development.}**
35. Post work Dilapidation Report with recommendations on planned heavy vehicle movement path must be submitted to council.
- {Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}**

Operation Environmental Management Plan

- 36.** An Operation Environmental Management Plan (OEMP) is to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate and is to include the following sub-plans;
1. Traffic Management Plan (TMP).
 2. Soil and Water Management Plan
 3. Erosion and Sediment Control Plan
 4. Waste Management Plan
 5. Landscape Management Plan
 6. Emergency Management Plan

The OEMP is also to include the following matters;

- i. The Applicant must minimise the noise generated by any operational activities on site in accordance with the mitigation measures contained in the Statement of Environmental Effects (Habitat Planning, November 2025).
- ii. Agricultural land management measures;
- iii. Biosecurity implementation;
- iv. Monitoring of cumulative impacts;
- v. Complaints handling procedure

{Reason: To ensure the appropriate operation and management of the approved use.}

Traffic Management Plan – Operational Phase

37. A Traffic Management Plan is to be included in the Operation Environmental Management Plan (OEMP) and is to include mitigation measures and is to detail the following matters:

- I. Council verge parking is prohibited. Adequate parking should be provided onsite.
- II. All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
- III. No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary without first obtaining separate approval from Council.
- IV. All vehicular movement when entering and leaving the site shall be in a forward direction to ensure that the development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

{Reason: Implementation of Council's policy codes for the protection of the public Requirement of Council so as not to create adverse traffic conditions}

Emergency Management Plan -Bushfire protection

38. An Emergency Management Plan is to be submitted prior to the issue of an Occupation Certificate and is to and include the following matters;

- I. establish protocols for the protection of the site and development from bush fire events
- II. include measures for local rural bush fire brigades to access the site
- III. the provision of suitable bush fire retarding materials.
- IV. Management of the site to comply with any requirements of NSW Planning for Bush Fire Guidelines (NSW Rural Fire Service 2019)

{Reason: To ensure that the development is provided with adequate bush fire protection}

ONGOING USE

Operational Noise Compliance Report

39. Within 90 days of commencement of operation, an operational noise compliance report must be prepared by a suitably qualified acoustic consultant and submitted to Council. The report must:

- I. identify the adopted pre-development Rating Background Level (RBL) noise levels as measured at the site boundaries during day, evening, and night times. The applicant must undertake background noise monitoring prior to commencement of operation for a minimum period sufficient to establish a representative RBL for each relevant time period.
- II. include attended noise monitoring at residential receivers located at the site boundaries at day, evening, and night times; and
- III. confirm compliance with the intrusiveness criterion for each relevant time period in accordance with the NSW Noise Policy for Industry (2017).

The applicant is required to provide noise attenuation measures in the form of acoustic screens in the event that;

- IV. any complaint regarding noise generated by the development is received by Council, at any time during operation, and
- V. the noise generated by the development exceeds +5 dB(A) above the applicable Rating Background Level (RBL) at any residential receiver, when measured and assessed in accordance with the NSW Noise Policy for Industry (2017), or;
- VI. The noise generated by the development exceeds 40 dB(A) LAeq,15min at any residential receiver between 10pm and 7am, when measured and assessed in accordance with the NSW Noise Policy for Industry (2017)

- VII. Noise assessment must consider cumulative noise environment where relevant.
- VIII. All works to comply with the submitted Noise and Vibration Impact Assessment, including feasible and reasonable mitigation measures. Maintain a complaints register and provide a community contact number during construction.

{Reason: To ensure compliance with NSW Noise Policy for Industry and protect residential amenity.}

Stormwater and Flooding

- 40. Stormwater to be managed generally in accordance with the submitted Stormwater Management Plan.

Where the site is within the Flood Planning Area, demonstrate compliance with Part K of the Leeton DCP, including provision of required survey levels and flood planning information.

Infrastructure (including inverter/BESS components) to be set above the Flood Planning Level to Council's satisfaction.

{Reason: To manage stormwater and flood risks, ensure development does not adversely impact adjoining land or drainage infrastructure, and to maintain the safety and resilience of the development within the flood planning area.}

Glint and Glare

- 41. The development must not result in nuisance glare impacts on surrounding properties.
 - a) In the event glare is identified:
 - a. The source is to be investigated;
 - b. Appropriate mitigation measures are to be implemented.
 - c. Operate the solar tracking system in a manner consistent with the operating parameters relied upon in the Glint and Glare assessment to achieve nil glare outcomes. Any material change requires reassessment and Council approval.

{Reason: To protect surrounding land uses from visual amenity impacts.}

DECOMMISSIONING

42. A Decommissioning Environmental Management Plan (DEMP) is to be submitted to the Approval Authority not less than 18 months prior to project decommissioning.

- a) The DEMP is to include mitigation measures as detailed in the Statement of Environmental Effects (Habitat Planning, November 2025).
- b) All equipment and infrastructure is to be removed from site.
- c) Decommissioning is to include rehabilitation of all disturbed areas on the site.
- d) The DEMP is to detail safe and environmentally sustainable disposal of all waste materials. Recycling is to be prioritised wherever feasible.
- e) Site and traffic management measures are to be implemented in accordance with the Traffic Management Plan.
- f) The site must be restored to a condition suitable for agricultural use;
- g) All infrastructure must be removed unless otherwise approved;
- h) Soil condition must be remediated to restore productivity.

{Reason: To ensure appropriate rehabilitation of the site following decommissioning.}

Engineering Conditions

General Conditions

43. All new access driveways need to be constructed from the road carriageway to the property boundary for the proposed development site in accordance with the recommendations of the Traffic Impact Assessment (TIA) for Proposed Solar PV Facility & Battery Energy Storage System 125 Briggs Road, Stanbridge by Traverse Transport Pty Ltd and to meet the requirements of LSC engineering guidelines and Standard Drawings.
- I. Have a minimum culvert width of 7.2 meters nominal and be constructed in accordance with Council's Engineering Guidelines, Construction of Rural Type Access Specification and Standard Drawing number RS-056 with Council's Notes and Austroads Guide to Road Design Part 4 .
 - II. The alignment of the access driveway across the verge shall be at right angles to the road.

- III. The access driveway shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense.
- IV. The access driveway shall meet Australian Standard 2890.1 for vertical clearance.
- V. The access driveway shall be of adequate thickness to accommodate design vehicle loading.
- VI. The verge adjacent to either side of the access driveway shall be reinstated to surrounding conditions and finished flush with the new vehicle access driveways.

Advisory Note:

The installation of the vehicle access driveway is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle access driveway is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

{Reason: to provide for a suitable vehicular access to the development in accordance with Council's minimum standards and minimize impact on pedestrian access facilities.}

- 44. Stormwater is to be adequately managed as per the Stormwater Management Plan for Proposed Solar Farm Development - 125 Briggs Road, Stanbridge. (DRWNO 34004)

{Reason: to ensure storm water adequately managed and to meet Council's requirements for the development.}

- 45. It is required to set critical infrastructure to be a minimum of 500mm above the 1% AEP flood event.

ADVISORY NOTES

Developer is to check with Essential Energy for required freeboard before the commencement of any site work.

{Reason: To ensure that the floor level is above the required floor level for the 1% AEP flood event}

46. The developer is to provide sufficient area on site for loading and unloading of vehicles which will allow for turning paths of servicing vehicles.

{Reason: to provide a level of safety to operators by having these practices undertaken on site and not from the public road.}