

DATE OF DETERMINATION	18 September 2026
DATE OF PANEL DECISION	17 September 2026
DATE OF PANEL MEETING	15 September 2026
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Donna Lawson
APOLOGIES	None
DECLARATIONS OF INTEREST	Terence Cohen declared a reasonable perceived conflict of interest in this matter as an immediate family member conducts agricultural activities on a neighbouring property. He did not participate in the determination.

Public meeting held by teleconference on 15 September 2026, opened at 10:03am and closed at 11:12am.

MATTER DETERMINED

PPSNTH-512 – Liverpool Plains – DA10.2026.13.1 – 1415 & 1553 Bundella Road, Quirindi – Electricity Generation Works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Development application

The majority of the Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1 in favour, against the decision was Donna Lawson.

REASONS FOR THE DECISION

The majority of the Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

Donna Lawson disagreed with the majority decision for the reasons set out in Schedule 2.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council Supplementary Report (uploaded to the portal on 01/09/2026) with the following amendments:

- Amend Condition A1 to insert the following under the table:
To confirm and clarify the terms of consent, the approved development is to operate for a period of 35 years from the commencement of operations, excluding the construction and decommissioning phases.
- Amend Condition A3 to read as follows:
A3 Visual Mitigation Measures
To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

Pre-construction

- (a) Carry out additional consultation with affected residents to inform the need for offsite mitigation, prior to the commencement of construction. Evidence of this consultation, including records of a minimum of three (3) documented attempts to contact each affected resident and any responses received, must be provided to Council;

Construction

- (b) Planting be undertaken as soon as practicable in the construction process;
- (c) Dust be managed in response to visual cues and areas of soil disturbance rehabilitated progressively or immediately post-construction;
- (d) Use of non-reflective and earthy coloured materials (e.g. green, beige or muted wheat) where possible;
- (e) Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.
- (f) Medium density vegetation screening planted within three (3) months of the commencement of construction, 2 rows deep, comprising of varying native species and advanced (sapling) plants common to the locality and with suitable irrigation. This includes the planting of smaller shrubs in addition to the 2 rows of trees within the 5 metre vegetation buffer and are not intended to replace any row of tree vegetation. Planting and maintenance of a vegetation screen are to occur within Lot 169, DP 751018 and Lot B, DP 938668 adjacent to the following boundaries as depicted on the proposed landscaping plan (Plan Numbers G-0300, Revision 11): -
 - (i) Northern boundary - for a distance of 490 metres; and
 - (ii) Eastern boundary - for a distance of 270 metres.

Alternatively, an agreement for reasonable offset mitigation measures be negotiated by the applicant, with the owners of the property of 1391 Bundella Road, Quirindi, subject to the endorsement of Council, prior to the commencement of construction.

- (g) The proposed landscaping plan (Plan Number C-6301, Revision 4) is to be amended to incorporate tree species capable of achieving a minimum mature height of 4.0 to 4.5 metres.

Operation

- (h) Ongoing maintenance of ground cover and vegetation screening, minimise traffic movements and outdoor lighting.

Reason: To minimise visual impacts from the solar farm on the adjoining properties / road.

- Amend Condition A9(a) to remove the words 'and in perpetuity' and insert 'and for the life of the development'
- Amend Condition A12(b) to delete the words 'environmental staff' and insert the words 'a suitably qualified person'
- Amend Condition B5 to include the following note:
Note: the 24 off-street parking spaces are temporary, for the duration of the construction period, and can be removed upon operation of the development.
- Amend Condition B8 to read as follows:

B8 Inverter Station and Battery Energy Storage System (BESS) Containment and Flood Protection

The Inverter Station and the Battery Energy Storage System (BESS) shall be provided with bunding or similar containment systems with a capacity as required by the relevant Australian Standards to contain any spillage of oil or other chemicals from the equipment. The kiosk and Inverter/BESS station facility as a whole, including the bunded area, shall also be protected from local overland flooding by being located at a minimum of 1000mm above existing natural ground level.

The bunding, containment systems and finished levels required by this condition must be demonstrated on the Construction Certificate plans.

Reason: To prevent contamination from potential spills or leaks from polluting the site and surrounding areas.

- Delete Condition B18 Land Use Conflict Risk Assessment (LUCRA) and renumber the remaining section conditions accordingly

- Insert new Condition B19, which reads as follows:

B19 Watering and Vegetation Establishment Management Plan

Prior to the issue of a Construction Certificate, a Watering and Vegetation Establishment Management Plan (WVEMP) shall be prepared by a suitably qualified arborist and submitted to Council for approval.

The Plan shall detail the measures required to ensure the successful establishment and ongoing health of all approved landscape screening vegetation and must include, but not be limited to:

- (a) The source of water proposed to be used for irrigation of the planted vegetation;
- (b) Details of the proposed irrigation and watering methods;
- (c) A watering schedule identifying the frequency and volume of watering to be provided during the establishment period;
- (d) The maintenance and monitoring requirements necessary to ensure the successful establishment and long-term viability of the vegetation;
- (e) Procedures for identifying and replacing any trees or plants that exhibit poor health, fail to establish, or die during the establishment period; and
- (f) Confirmation from the preparing arborist regarding the minimum establishment period and the criteria to determine when the vegetation is capable of sustained survival without supplementary watering.

The approved Plan shall be implemented from the time the vegetation is planted and must continue to be carried out in accordance with the approved Plan until a suitably qualified arborist provides written certification to Council confirming that the vegetation has been successfully established and is capable of long-term survival without supplementary watering beyond that required by the Plan.

Reason: To ensure the successful establishment, ongoing health and long-term viability of the approved landscape screening vegetation and to maintain the effectiveness of visual screening for the life of the development.

- Amend Condition C2 to insert the following at the end of the condition:
Evidence of this consultation, including records of a minimum of three (3) documented attempts to contact each affected resident and any responses received, must be provided to Council.
- Amend Condition D16 to insert the word 'temporary' in the first sentence prior to 'carpark'
- Insert new Condition D17, which reads as follows:

D17 Protection of Planted Vegetation During Construction

All newly planted landscaping and screening vegetation shall be protected from damage for the duration of the construction period. Appropriate protective measures, including temporary

fencing or barriers, must be installed and maintained to prevent damage from construction activities, vehicles, machinery, materials and stockpiles. Any vegetation damaged, destroyed or removed during construction shall be replaced as soon as practical with the same species and size, or as otherwise approved by a qualified arborist.

Reason: To ensure the successful establishment and effectiveness of the approved landscape screening.

- Amend Condition E5 to reads as follows:

E5 Landscaping Bond

Prior to the issue of an Occupation Certificate, a landscaping bond of \$20,000 shall be paid to Council in a form acceptable by Council. The bond shall be retained by Council for a minimum period of five (5) years following the issue of the Occupation Certificate and will only be released upon submission of a report prepared by a suitably qualified landscape architect or arborist, confirming that the landscaping has been successfully established, remains healthy and effective, and demonstrates a reasonable likelihood of long-term survival, subject to ongoing maintenance in accordance with this consent.

The applicant shall submit an annual report to Council, prepared by a suitably qualified landscape architect or arborist, for the duration of the five (5) year period. The report shall confirm the health, viability and effectiveness of the landscaping and identify any remedial actions undertaken or proposed to ensure the continued success of the vegetation.

Any trees or plants that die, become diseased, are removed, or fail to establish during the bond period shall be replaced with the same species, or an alternative species approved by a qualified Arborist, within the next available planting season.

Reason: To ensure the successful establishment, ongoing maintenance and long-term effectiveness of the landscape screening, and to minimise the visual impacts of the development on surrounding properties and the locality.

- Amend Condition F8 to read as follows:

F8 Landscape Screening

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be capable of achieving a minimum mature height of 4.0 to 4.5 metres. Vegetation must be maintained while the solar farm is in operation at the site. On-going monitoring of the health and performance of the visual plant screen during the life operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Agricultural value and land use compatibility (including potential contamination/product marketability/EU market access)
- Fire hazard and safety risks
- Road safety, traffic, parking and access
- Post-project decommissioning and rehabilitation
- Visual impacts
- Aviation impacts
- Flooding, stormwater and water resources
- Biodiversity and ecological impacts
- Electromagnetic fields (EMF), health and radiation impacts

- Biosecurity, weeds and pest management
- Decreased property values
- Community consultation and public notification
- Residential amenity and setbacks

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Donna Lawson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-512–Liverpool Plains – DA10.2026.13.1
2	PROPOSED DEVELOPMENT	Electricity Generation Works - Establishment of a 4.99MW Solar PV with Associated Infrastructure (Battery Energy Storage System)
3	STREET ADDRESS	1415 & 1553 Bundella Road, Quirindi
4	APPLICANT/OWNER	EDPR Australia Pty Ltd Andrew and Laura Wilmott
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ Environmental Planning & Assessment Act, 1979 ○ Environmental Planning & Assessment Regulation, 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning systems) 2021 ○ State Environmental Planning Policy (Primary Production) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Liverpool Plains Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: ○ Liverpool Plains Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 31 August 2026 • Council Supplementary Report received: uploaded to the portal on 1 September 2026 • Council Supplementary Report received: uploaded to the portal on 16 September 2026 • Written submissions during public exhibition: 40 • Verbal submissions at the public meeting: ○ Lisa Hill, Prue Lee ○ Council assessment officer – Nathan Bartlett ○ On behalf of the applicant – Jou Jong, Mishka Talent • Total number of unique submissions received by way of objection: 19
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 4 September 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Donna Lawson ○ <u>Council assessment staff</u>: Lesley Duncan, Warwick Stimson ○ <u>Applicant representatives</u>: Dan McDonald, Aidan Radford

		• Final briefing to discuss Council’s recommendation: 15 September 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Donna Lawson ○ <u>Council assessment staff</u>: Nathan Bartlett, Lesley Duncan ○ <u>Department</u>: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Report – Draft Conditions V2 and uploaded to the portal on 01/09/2026

SCHEDULE 2 – D Lawson’s Reasons

16/09/2026

PPSNTH-512 – DA10.2026.13.1

Pine Ridge 1A Solar Farm and Battery Energy Storage System

Statement of Reasons – Dissenting Panel Member: Donna Lawson

Having considered the assessment report, supplementary material, submissions, matters raised at the public meeting and site inspection, and the amended conditions of consent, I was not satisfied that the development had been demonstrated to be appropriate for this particular site and was therefore unable to support approval of the application.

My concerns relate principally to the fundamental land-use conflict with highly productive cropping land, together with unresolved issues concerning flooding, the practicality and sustainability of visual screening, fire and water availability, and the long-term disturbance and rehabilitation of the land.

Agricultural land use and suitability of the site

My principal concern is the conversion of productive RU1 agricultural land to electricity generation infrastructure for an operational period of 35 years.

This is not marginal or presently unproductive land. Evidence contained in the submissions indicates that the site has been continuously cropped for many years and produced a successful cotton crop harvested as recently as April 2026. Submissions also identify the Liverpool Plains' deep alluvial soils as a finite agricultural resource supporting highly productive broadacre cropping and grazing and contributing to regional and national food and fibre production.

In my view, the assessment did not adequately confront the fundamental change in land use that is proposed. The suggestion that agricultural production may continue through grazing beneath and around the solar array does not preserve the existing agricultural use or productive capacity of the land. The site is presently productive cropping country. A submission specifically noted that grazing within the array would realistically be limited sheep. There is also no clear agricultural management proposal demonstrating that grazing will in fact occur, at what stocking rates, with what infrastructure, or how it would be integrated with operation of the solar facility. In those circumstances, I do not consider the possibility of future grazing sufficient to conclude that the development maintains the agricultural productivity or productive flexibility of the land.

The issue is not simply whether *some* agricultural activity can theoretically occur underneath solar panels. It is whether converting actively cropped land capable of

producing crops such as cotton into a solar facility for at least 35 years is compatible with the agricultural significance and existing productive use of this particular land.

For that reason, I remain concerned that the final LUCRA does not adequately resolve the central land-use conflict. I note that the proposed additional LUCRA condition has now been deleted on the basis that the final LUCRA is considered to have substantially addressed those matters. I was not satisfied that the material before the Panel demonstrated that the loss of the site's existing cropping function, and the conflict between the proposed use and the surrounding agricultural environment, had been adequately addressed.

Flooding and site hydrology

I also remain concerned that actual flood behaviour across the subject land has not been adequately established through a site-specific hydrological and hydraulic assessment.

The supplementary assessment concludes that the site is not susceptible to regional flooding and characterises potential flooding as localised minor inundation associated with drainage lines across the site. The response has therefore principally been to require the BESS to be located 500 mm above the 1% AEP flood level.

However, this does not reconcile the assessment with local evidence. Submissions from people familiar with the land describe parts of the property as flood prone and carrying a substantial body of water during major floods. I have also received consistent local accounts of significantly deeper inundation, including reports of water approaching fence height.

I recognise that local accounts are anecdotal and do not replace hydraulic evidence. In my view, however, that is precisely why they warranted further site-specific investigation. Flooding at this location may involve the interaction of the Mooki River, local creeks and drainage systems, backwater effects and runoff generated within the site's own catchment. I was not satisfied that the desktop and regional information relied upon adequately established flood depths, flow paths, velocities or the interaction of those mechanisms across the development footprint.

Raising the BESS protects one component of the development. It does not resolve the broader question of whether the flood characteristics of the site have been adequately understood.

Visual screening, water security and reliance on future management by Council

I acknowledge that the Panel substantially strengthened the landscaping conditions. These now require additional vegetation, minimum mature heights, irrigation, a Watering and Vegetation Establishment Management Plan, ongoing monitoring and replacement of failed vegetation, together with a five-year \$20,000 landscaping bond.

However, these amendments also highlight my underlying concern: the acceptability of the visual impact is substantially dependent upon vegetation that does not yet exist becoming successfully established and remaining effective over decades.

Of particular concern is the absence of a permanent onsite water source for that vegetation and the applicant's proposal to rely on water being transported to the site. The new condition requires a future management plan to identify the water source, watering method, frequency and volume and ultimately permits an arborist to certify when supplementary watering is no longer required.

In a locality subject to prolonged drought, extended periods of extreme heat and water scarcity, I do not consider reliance on trucked water to establish extensive screening to be a particularly robust long-term mitigation strategy. The circumstances in which the screening will be most stressed are also likely to be those in which water is least readily available and most expensive to transport.

This leads to a broader concern with the reliance upon conditions to make the development acceptable. Conditions requiring future plans, monitoring, certification, annual reports, replacement planting and continuing compliance inevitably require administration and enforcement by Council over many years. For example, Council is required to approve the vegetation establishment plan, administer the landscaping bond and assess annual professional reports during the bond period.

I do not consider that unresolved questions of site suitability should simply be transferred into increasingly complex future management obligations. Conditions are an important mitigation mechanism, but they do not eliminate the practical difficulty and cost of monitoring and enforcing those obligations over the life of a 35-year development.

Fire, BESS and water availability

I acknowledge the additional BESS containment and flood-height requirements and the conditions requiring emergency planning, fire suppression measures, access and a minimum 20,000-litre onsite firefighting water supply.

Nevertheless, I remain concerned about placing battery storage infrastructure within an intensively agricultural rural environment where surrounding paddocks may contain crops, stubble or dry vegetation and where emergency response resources and water availability are necessarily more limited than in an urban setting.

Again, my concern is not that the conditions provide no protection, but that the development introduces an additional risk requiring ongoing management into a location where I was not otherwise satisfied that the land-use conflict had been justified.

Decommissioning and restoration of productive agricultural land

The amended conditions provide substantially greater certainty regarding responsibility for decommissioning. I acknowledge in particular the positive covenant requiring decommissioning, rehabilitation and restoration within six months of the end of the project's life and at no cost to Council.

However, there remains no financial rehabilitation bond or similar security quarantined to meet the actual cost of decommissioning should the future project owner or operator be unable to do so. The positive covenant establishes an obligation, but an obligation and the financial capacity to perform it decades into the future are not necessarily the same thing.

I am also concerned that the extent of physical disturbance required to restore this cropping land is not yet fully known. The solar array plans allow for concrete collars around the piles if required by soil conditions. If concrete is required at numerous locations across the array, eventual rehabilitation will require excavation and removal of that material, movement of machinery across the site, backfilling and reconstruction of the soil profile.

The conditions themselves require all solar-related structures, footings and ancillary infrastructure to be removed to a minimum depth of 500 mm and require restoration of the land to its pre-development use and land and soil capability class. Those requirements are appropriate, but they also demonstrate that decommissioning is considerably more involved than simply removing panels and pulling steel posts from the ground.

For productive cropping soils, I consider that the extent of this disturbance, and the realistic capacity to restore soil structure and productivity following construction, 35 years of operation and subsequent decommissioning, deserved greater consideration at the assessment stage.

Overall conclusion

I recognise the role of renewable energy generation and my decision was not based upon opposition to solar development generally. In fact, I am strongly supportive of renewable energy in general. My concern is whether this development has been demonstrated to be appropriate for this particular site, that is a highly productive part of the Liverpool Plains.

The site is proven cropping land which was producing cotton only months before the application was considered. The proposed alternative agricultural use is uncertain and materially different from its existing productive use. Questions remain regarding actual flood behaviour, the sustainability of vegetation screening dependent initially upon transported water, fire and emergency water availability, and the extent of disturbance required to eventually restore the land.

The amended conditions respond to a number of these concerns, but in my view they predominantly manage the consequences of approving the development rather than resolve the underlying question of whether this is the appropriate land on which to locate it. They also create substantial ongoing monitoring, administrative and enforcement obligations for Council over the life of the development.

Having regard to the agricultural value and existing use of the land, the unresolved site-specific issues and the long duration of the proposed use, I was not satisfied that the suitability of the site had been adequately demonstrated and therefore could not support approval of the application.