

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 June 2023
<b>DATE OF PANEL DECISION</b>	23 June 2023
<b>DATE OF PANEL MEETING</b>	20 June 2023
<b>PANEL MEMBERS</b>	Brian Kirk – Chair, Sue Francis, Donna Rygate, Robert Black, Ruth McRae
<b>APOLOGIES</b>	Garry Fielding and Graham Brown
<b>DECLARATIONS OF INTEREST</b>	Nil

Papers circulated electronically on 15 June 2023.

**MATTER DETERMINED**

PPSWES -170 - DA 47/2022 – Murrumbidgee, Lots 68 & 69 DP 750877, 16705 Sturt Highway, Darlington Point, Electricity generating development (private infrastructure) involving the installation of 11,016 solar panels with a electricity generation capacity of 11,000mWh per year with battery storage (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 site inspections listed at item 8 in Schedule 1.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, as per Council's recommended conditions as amended by the Panel.

The decision was unanimous.

**REASONS FOR THE DECISION**

The proposed development involves the construction and operation of a micro solar farm with a maximum export capacity to the grid of 5 MW. Development involves the installation of 11,016 ground mounted photovoltaic (PV) solar modules on single axis trackers, with a capacity of 4.95 Megawatts (MW) AC, and the installation of a two battery energy storage system with a combined capacity of up to 4.586 MWh and associated components. Ancillary features include electrical collection systems (e.g., a switch room, control room and inverter station), and high voltage electrical switchgear to connect the existing privately owned HV electricity network. Details of new permanent perimeter fencing and temporary structures, amenities, and equipment storage areas for use during the construction phase have been included with this development application. The proposed electricity generating facility will have a footprint of approximately 7ha.

The Panel agrees with the Council's assessment that the proposed development satisfies the provisions of the relevant environmental planning instruments and is permissible within the RU1 Primary Production zone of Murrumbidgee Local Environmental Plan 2013 by virtue of the provisions of clause 2.36(1)(a) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The Panel concurs with the Council's assessment that potential impacts of the development have been minimised through design and the proposed conditions of consent as amended. In summary, the Panel concurs with Council that the proposal has been properly assessed against all relevant planning controls,

the site is suitable for the proposed development, and the proposed development does not raise any matter contrary to the public interest.

The application was referred to Transport for NSW and Essential Energy and the Panel has accepted the recommended conditions (as amended) to address the requirements of these agencies.

### CONDITIONS

During the final briefing with the applicant and the Council, the Panel considered the applicant's concerns regarding the construction of various conditions, and the Council's comments in reply. Further to an exchange of views by email between the Council and the applicant concerning conditions 8(l) and 17(f) the Panel approved the development application subject to the conditions as recommended in the Council assessment report with the following amendments to Condition 8(l) and Condition 17(f):

#### Condition 8(l)

*Prior to the commencement of works on the site, the developer must design and construct the works within the road reserve of the Sturt Highway to the satisfaction of Transport for NSW (TfNSW).*

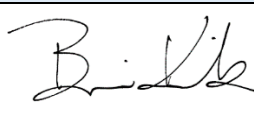
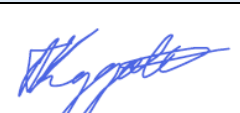
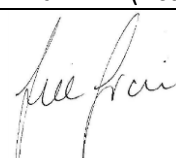
#### Condition 17(f)

*Waste will not be accepted at any waste management facility operated by Murrumbidgee Council.*

Condition 8(l) was amended by the Panel having regard to matters of road safety, and condition 17(f) was amended to accord with the preference of the applicant.

### CONSIDERATION OF COMMUNITY VIEWS

The development application was notified in accordance with the Environmental Planning and Assessment Regulation, 2021 and Murrumbidgee Council's Community Participation Plan. Three submissions were received. Matters raised in the submissions from TfNSW and Essential Energy have been satisfactorily addressed by the recommended conditions. One submission was received from Coleambally Irrigation Co-Operative Limited. This submission was for information purposes only and did not raise any matter in objection to the proposed development.

PANEL MEMBERS	
 Brian Kirk (Acting Chair)	 Donna Rygate
 Sue Francis	Approved by email dated 21 June 2023  Robert Black
Approved by email dated 22 June 2023  Ruth McRae	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES -170 - DA 47/2022 – Murrumbidgee
2	PROPOSED DEVELOPMENT	Electricity generating development (private infrastructure) involving the installation of 11,016 solar panels with a electricity generation capacity of 11,000mWh per year with battery storage
3	STREET ADDRESS	Lots 68 & 69 DP 750877, 16705 Sturt Highway, Darlington Point

4	<b>APPLICANT/OWNER</b>	Applicant: Sustainable Energy Solutions (t/a AGL Energy Solutions) Owner: Rural Funds Management
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Private infrastructure for the purpose of electricity generating works with a capital investment value of more than \$5 million.
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• Riverina Murray Regional Plan 2036</li> <li>• Murrumbidgee Local Environmental Plan 2013</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 14 February 2023</li> <li>• Design plans</li> <li>• EBPC Protected Matters Search Tool Results</li> <li>• Biodiversity Assessment Report</li> <li>• Cultural Heritage Due Diligence, Aboriginal Cultural Heritage Assessment Report and Archaeological Technical Report</li> <li>• CIV Report</li> <li>• Visual Impact Assessment</li> <li>• Traffic and Transport Impact Assessment</li> <li>• Flood Impact Assessment</li> <li>• Agricultural Impact Assessment</li> <li>• Evidence of Stakeholder Consultation</li> <li>• Construction Management Plan</li> <li>• Written submissions during public exhibition: 3</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Inspection and Briefing: 27 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Robert Black</li> <li>○ <u>Council assessment staff</u>: Steven Parissotto, Heidi Bryce</li> <li>○ <u>Applicant</u>: ERM: Adam Smith, Simon Bennett, Shema Thadathil AGL: Lauren Brown, Kerie Innes, Junieta Sequeira</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 20 June 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Brian Kirk – Chair, Sue Francis, Donna Rygate, Robert Black, Ruth McRae</li> <li>○ <u>Council assessment staff</u>: Steven Parissotto</li> <li>○ <u>Applicant</u> AGL: Lauren Brown, Kerie Innes, Junieta Sequeira, Luke Koedijk</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report
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