

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-298 PAN-496745 DA 10.2025.31.1
PROPOSAL	Installation of a 12 megawatts photovoltaic solar energy system and associated battery storage system to supply electricity to an existing almond processing facility located within the subject site.
ADDRESS	Lot 3 DP238154 580 Swan Hill Road, Murray Downs
APPLICANT	James Golsworthy, James Golsworthy Consulting Pty Ltd
OWNER	Murray Downs Processing Pty Ltd
DA LODGEMENT DATE	11 February 2025
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Development Application - Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19 (1) and Section 5(a) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>
CIV	\$15,271,419.24 (including GST)
CLAUSE 4.6 REQUESTS	None
KEY SEPP/LEP	• 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 • Wakool Local Environmental Plan 2013; and • Wakool Development Control Plan 2013.
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	None

DOCUMENTS SUBMITTED FOR CONSIDERATION	• Statement of Environmental Effects, 580 Swan Hill Road, Murray Downs, prepared by James Golsworthy Consulting Pty Ltd, referenced 24-037, dated December 2024. • Solar Reflectivity Study Report titled “Murray Downs Almond Processing Microgrid”, prepared by AGL Energy Solutions, referenced 50629P5, dated 10 March 2025. • BESS Fire Risk Assessment titled “Murray Downs Almond Processing Microgrid”, prepared by AGL Energy Solutions, referenced 50629P5, dated 14 March 2025. • Traffic Report titled “580 Swan Hill Road, Murray Downs, Almond Shelling and Hulling Facility, Traffic Impact Assessment”, prepared by Traffic Works Pty Ltd, referenced 220029, dated 8 September 2022. • Heritage Report titled “Amond Shelling and Hulling Facility, Canally Orchards, Aboriginal Cultural Heritage Due Dilligence Assessment”, prepared by Landskape, dated 7 November 2022. • Statement for the Heritage Assessment relating to the current application titled “5 80 Swan Hill Road, Murray Downs (24-037)”, prepared by Landskape, dated 17 April 2025. • Stormwater Management Plan titled “Murray Downs NSW Microgrid, Stormwater Management Plan Report”, prepared by Tonkin Consulting Pty Ltd, referenced 250499R01A and dated 16 April 2025.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	None
RECOMMENDATION	Approval subject to conditions of consent (refer to Attachment 1)
DRAFT CONDITIONS TO APPLICANT	Draft suite of conditions shared with Applicant on 30 May 2025. Response received from Applicant confirming conditions are acceptable (without any changes) on 10 June 2025.
SCHEDULED MEETING DATE	17 June 2025
PLAN VERSION	• Development Plans titled “Murray Downs Solar Micorgrid, 580 Swan Hill Road, Murray Downs” prepared by AGL Energy Solutions, referenced: - Project 50629P5 – Drawing GE-1.0 (Overview - Site) - Revision J, dated 4 February 2025 - Project 50629P5 – Drawing GE-1.1 (Overview – Solar Farm) - Revision E, dated 11 November 2024 - Project 50629P5 – Drawing GE-1.4 (General Arrangement – HV Switch Board) - Revision A, dated 7 November 2024

	- Project 50629P5 – Drawing GE-0.1 (Locality Plan – Sensitive Receiver) - Revision B, dated 14 April 2025, and - Project 50629P5 – Drawing GE-5.0 (Landscape Plan) - Revision B, dated 17 April 2025. • Development Design Specifications titled “Energy Storage and New Application Battery Division EPRI”., dated 27 April 2025. • Development Design Specifications titled “Commercial Drawings including equipment” prepared by SMA, referenced MVPS-XXX-S2, Pages 1 to 4 – Revision 01, dated 10 February 2023. • Product Drawings prepared by Sungrow, referenced SG4950HV-MV-V129, Pages 1 to 14, dated 11 October 2023. • Development Design titled “General Arrangement, AGL 2000kVA Kiosk, 2000K507” prepared by Tyree Industries Pty Ltd, referenced 0750-2081 – Revision F, Sheet 1 of 1, dated 4 November 2024.
PREPARED BY	Vishal Chandra Senior Planner, Murray River Council
DATE OF REPORT	10 June 2025

EXECUTIVE SUMMARY

The Development Application (DA) 10.2025.31.1 seeks consent for installation of a 12 megawatts photovoltaic solar energy system and associated battery storage system to supply electricity to an existing almond processing facility located within the subject site.

The solar system will occupy an area of approximately 18% or 7 hectares of the site.

The proposed development includes the following components:

- Solar panel array
- Solar inverter
- Battery unit
- High voltage cable
- Perimeter fencing, and
- Internal access track that extends off the existing accessway for the almond processing facility.

The application was referred to Government agencies under various legislation and to internal Council departments. All responses received are incorporated into the assessment within this Report and the recommended suite of conditions.

The Development Application was notified to surrounding property owners in accordance with the DCP. No submissions were received.

The proposed development aims to ensure compliance with the relevant State Environmental Planning Policies (SEPP), the Wakool Local Environmental Plan 2013 (LEP) and the Wakool Development Control Plan 2013 (DCP).

The proposed development is associated with the existing almond processing facility within the subject site and is positioned within the site factoring its functional requirements. The site characteristics have also informed the development layout, which are supported with construction management, risk management and operational parameters.

It is the intent of the development to ensure the proposal is consistent with the development outcomes envisaged for the development site and wider locality.

The management and operational parameters ensure any adverse impact are suitably mitigated or avoided. As such, the proposal does not adversely impact the environment or any sensitive receivers.

The Application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is deemed consistent with the requirements therein.

In summary, the proposal:

- is of minimal environmental impact
- satisfies the applicable planning controls and policies i.e. LEP and DCP
- is permissible with consent through the Transport and Infrastructure SEPP
- does not conflict with or undermine the adjoining land uses particularly any sensitive receivers, and the objectives of the RU1 zone under which it is zoned
- has acceptable adverse impact, and
- supports the operation and functions of the existing almond processing facility.

All relevant matters have been resolved satisfactorily through additional information provided during the assessment of this application or in form of the recommended draft conditions of consent contained in **Attachment 1**.

The application is referred to the Western Regional Planning Panel ('the Panel') as the development is a 'regionally significant development' being a development for electricity generating works with a CIV over \$5 million, pursuant to Section (5)(a) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

For the foregoing reasons, the proposed development can be granted development consent subject to appropriate conditions of consent (refer to **Attachment 1**). These conditions were shared with the Applicant on 30 May 2025. The Applicant confirmed these conditions as acceptable without any changes on 10 June 2025.

1. THE SITE AND LOCALITY

1.1 The Site

The site subject to this DA is comprised of a single allotment, regular in shape with 348.87 ha in the total site area and features a rear lot reconfiguration. Onsite access is facilitated by the provision of an information local road network, unsealed and from Swan Hill Road. Vegetation is scarce on the property and arranged in a random cluster within the rear portion of the site. **Figure 1** provides an aerial photograph extract that depicts the subject site.



Figure 1 – Site Aerial Photograph Extract (Spatial Viewer, 2024) where the subject site is identified in blue

The site is not mapped as containing Flood Prone Land, Terrestrial Biodiversity (Native Vegetation), Key Fish Habitat (Aquatic Biodiversity), Wetlands, RAMSAR Wetlands, a Watercourse, Urban Release Area, mining resources or contaminated land following a review of the Spatial Viewer. While the site was not mapped as bush fire prone land at the time the application was lodged, during the assessment of this application new bush fire mapping classified the site as bush fire prone land.

The site is not identified as containing known items of historic or cultural heritage significance.

Pursuant to the *Wakool Local Environmental Plan 2013* (LEP), the site is contained within zone RU1 Primary Production. **Figure 2** provides an extract of the LEP zoning map to detail the site zoning including the immediate surrounding areas.

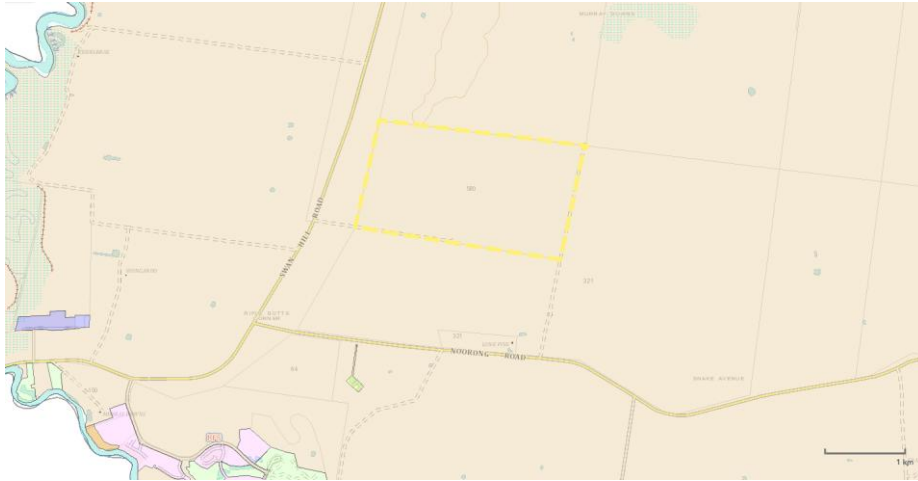


Figure 2 – LEP Zoning Map Extract (Spatial Viewer, 2024) where the subject site is outlined in yellow

1.2 The Locality

The site is existing farming land, of which the majority has previously been cleared. There is some vegetation remaining on the property. The locality can be described as agricultural, with ad hoc rural residential uses.

2. THE PROPOSAL

2.1 The Proposal

The development application DA 10.2025.31.1 seeks consent for installation of a 12 megawatts photovoltaic solar energy system and associated battery storage system to supply electricity to an existing almond processing facility located within the subject site. Refer to **Figure 3** for the solar panel profile.

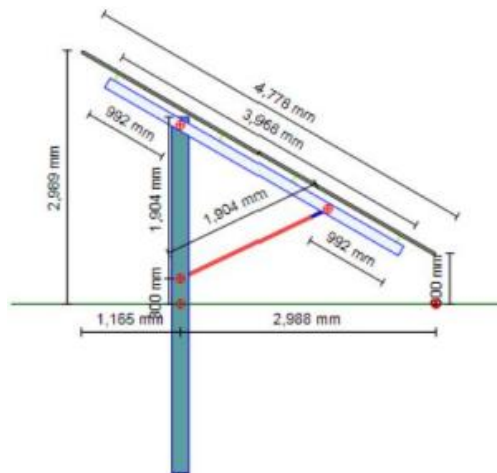


Figure 3 – Solar Panel Profile (SEE, 2024)

The solar system will occupy an area of approximately 18% or 7 hectares of the site compared to the existing almond processing facility that occupies 40 hectares of the site.

The proposed development includes the following components:

- Solar panel array
- Solar inverter
- Battery unit
- High voltage cable
- Perimeter fencing, and
- Internal access track that extends off the existing accessway for the almond processing facility.

No change is proposed to the existing almond processing facility including services.

No vegetation is proposed under this application while vegetation approved with the almond processing facility is utilised as onsite mitigation.

2.2 Intent of Development

The Application outlines that not all electricity demands can be reasonably met from the local essential Energy grid network with the current needs fulfilled by a combination of power sources from the electricity grid (40% approximately) and diesel generators (60% approximately).

The local electricity grid provides 1.7 megavolt-amperes (MVA) with operating demands of 3.5MVA.

The proposal is to lessen the external grid and diesel generator demands by providing onsite direct source electricity for the operation. Based on the design, the proposal will predominantly replace the reliance of diesel power generation onsite. The sole purpose of the proposal is directly linked to the existing almond processing facility.

The proposal is solely dependent on the existence of the almond processing facility and has been designed to meet the specific operational and demand needs. Such demands include approximate five (5) month annual processing window when the solar system capacity will be entirely consumed by the almond processing facility.

The proposed solar system is designed to maximise output during the February to July processing window. Outside of this peak period the solar system will continue to function to meet most of the onsite loads of refrigeration and lighting, etc.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent*

- authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33).

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- 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
- Wakool Local Environmental Plan 2013; and
- Wakool Development Control Plan 2013.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 1: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 3 - Koala habitat protection 2020 Chapter 5 - River Murray lands	Yes
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development - Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5(a) of Schedule 6 as it comprises development for <i>electricity generating works</i> with a CIV over \$5m. Chapter 3: Aboriginal Land (where applicable) - Section 3.8 – consent authority must have regard to matters in section 3.7(2) that are included in a development delivery plan that is applicable to land to which this Chapter applies when determining an application for development consent to carry out development on that land. - Section 3.10 – declaration as regionally significant development	Yes
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development	Yes
SEPP (Resilience & Hazards) 2021	Chapter 3: Electricity generating works (including battery storage) Chapter 4: Remediation of Land	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure - Section 2.36 – Development permitted with consent - Section 2.42 – Determination of development applications for a solar or wind electricity generating works on certain land - Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions - Section 2.118(2) - Development with frontage to classified road - Section 2.119(2) Impact of road noise or vibration on non-road development	Yes

	• Section 2.121(4) - Traffic-generating development	
LEP	Under the Wakool LEP 2013, the proposed development is prohibited on land zoned RU1. As such the Application relies upon the State Environmental Planning Policy (Transport and Infrastructure) 2021 for permissibility.	No
Proposed instruments	No relevant proposed instruments apply to the site.	Not applicable
DCP	The Wakool Development Control Plan (MDCP) 2013 does not contain specific design criteria for the proposed development.	Yes

Consideration of the relevant SEPPs is outlined below, which include:

- 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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas.

Comment: The subject land is zoned RU1 Primary Production therefore this chapter does not apply.

Chapter 3 – Koala Habitat Protection 2020

Comment: The development site is zoned RU1 Primary Production within Murray River Council, which is a local government area specified in Schedule 1 of State Environmental Planning Policy (Koala Habitat Protection) 2021 and is not marked with an * in that Schedule. Chapter 3 is therefore applicable.

The development site is also larger than 1ha, therefore this Chapter is applicable. The subject land is not known to be core koala habitat.

Chapter 4 – Koala Habitat Protection 2021

Comment: The development site is zoned RU1 Primary Production therefore this Chapter is not applicable.

Chapter 5 – River Murray lands

Comment: The subject site is mapped as River Murray land under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Part 5.1 Introduction 5.1 Aims of this Chapter

Comment: No significant adverse impact is likely to occur from the proposed development given the proposed development occupies an area of land absent of any environmental interests and the site already contains an industrial development to which the proposed

development associates with; it is therefore considered the proposal is not inconsistent with the aims of this Chapter.

5.2 Objectives of this Chapter

Comment: As outlined earlier, no significant adverse impact is likely to occur as a result of the proposed development, it is considered the proposal is not inconsistent with the objectives of this Chapter.

Part 5.2 Planning principles

5.8 General principles

Comment: As outlined earlier, no significant adverse impact is likely to occur as a result of the proposed development, it is therefore considered the proposal is not inconsistent with the general principles of this Chapter.

5.9 Specific principles

Comment: It is considered the proposed development is not inconsistent with the specific principles of the Chapter.

Part 5.3 Planning requirements and consultation

5.12 Planning Control and Consultation Table

Comment: As referred earlier, due the proposed development associating with an existing development no further requirements or consultation was necessary.

5.13 Building setbacks—special provisions

Comment: Noted

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

Comment: The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Section 5(a) of Schedule 6 of the Planning Systems SEPP as the proposal is development for development for *electricity generating works* with a CIV over \$5m. Accordingly, the Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Comment: This policy applies due to the proposal being on land zoned rural production. It is considered the proposed development is not specifically inconsistent with the requirements of the Chapter, within the context of the primary use this relates to i.e. the almond processing facility that is deemed consistent with this SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 provides the state-wide framework for potentially hazardous or potentially offensive development. Potentially hazardous and offensive development includes development where if it were to not include any measures to reduce or minimise its impact, it would pose a significant risk to human health, life, or property, or the biophysical environment, and would further, emit a polluting discharge (for example noise) which would have adverse impacts on the locality.

In instances where development is potentially hazardous or offensive, the Resilience and Hazards SEPP requires the preparation of a Preliminary Hazard Analysis. Matters for consideration are also outlined for consent authorities assessing DAs for potentially hazardous or offensive Industry.

Comment: Electricity generating works are not identified as potentially offensive or hazardous within the guidelines. It is also considered the proposed development would not meet the definition of potentially offensive development.

Chapter 4

Section 4.6(1)(a) requires the consent authority to consider whether the land is contaminated and 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.

Comment: No records within or near the development site of contamination is present. The proposed development is also consistent with the established industrial activity present within the subject site.

As such, the site is considered suitable for its intended use and further investigation is not considered necessary at this time.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 provides a framework for the effective delivery of the necessary infrastructure across the state. It includes provisions under Division 4 that enable and permit the development of electricity generating works or solar energy systems irrespective of local environmental planning instruments.

Under this SEPP, the development can be defined as electricity generating works: a building or placed use for the following purposes:

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

Under this SEPP, solar energy system means any of the following systems:

- (a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—
 - (i) carried out on the land on which the system is located, or*
 - (ii) carried out by the owner of the system on adjoining land,**
- (b) a solar hot water system,*
- (c) a solar air heating system.*

Comment: The proposed development conforms with the meaning of solar energy system and both purposes for electricity generating works, and is therefore 'electricity generating works' under this SEPP.

Permissibility for the purposes of electricity generation is provided pursuant to Division 4 Section 2.36 which states:

(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 rural, industrial or special use zone.*

Comment: Development permitted with Consent, development for the purpose of 'electricity generating works' may be carried out by any person with consent in any land in a 'prescribed non residential zone'. The RU1 Primary Production Zone, under which the site is zoned, is a 'prescribed non-residential zone'.

The above provisions prevail over any inconsistency in any other planning instruments, inclusive of the LEP. As such, the proposed development is permitted with consent pursuant to the Transport and Infrastructure SEPP.

Section 2.48 of the SEPP relates to determination of development applications – other development – electricity transmission and states the following:

(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 (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.

The above provisions are not relevant to this application, and no referral on this matter was made, or further assessment deemed necessary.

Note that this application was referred to Transport for NSW as general notification. A response was provided on 10 March 2025:

TfNSW has reviewed the information and as Swan Hill Road is a classified regional road managed by Murray River Council, TfNSW entrusts Council to assess and manage the traffic implications of the development application.

Comments for Council's consideration in determining the DA are included in Attachment 1. [Of relevance, TfNSW notes that] this application does not seek to alter the existing access arrangements to Swan Hill Road. The SEE states that the existing driveway has been upgraded recently to account for the required intersection treatment

TfNSW notes that in determining the application under Part 4 of the Environmental Planning & Assessment Act 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works

Wakool Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the *Wakool Local Environmental Plan 2013*.

Part 1 Preliminary

1.2 Aims of Plan

Comment: The proposed development is not inconsistent with the aims of the LEP.

1.9A Suspension of covenants, agreements and instruments

Comment: For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument which restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

Part 2 Permitted or prohibited development

2.3 Zone objectives and Land Use Table

Zone RU1 Primary Production

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote the use of agricultural land for efficient and effective agricultural production without the encroachment of urban land uses.*
- *To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.*
- *To allow the development of complementary non-agricultural land uses that are compatible with the character of the zone.*

Comment: The proposed development is not inconsistent with the objectives of the zone. It is noted however the Transport and Infrastructure SEPP is required to be utilised to achieve permissibility of the proposal.

2.6 Subdivision—consent requirements

Comment: Not applicable.

2.7 Demolition requires development consent

Comment: Not applicable.

2.8 Temporary use of land

Comment: Not applicable.

Part 3 Exempt and complying development

Comment: The proposed development cannot be classed as exempt or complying development as it does not meet all development controls.

Part 4 Principal development standards

Comment: Not applicable.

Part 5 Miscellaneous provisions

5.3 Development near zone boundaries

Comment: Not applicable.

5.4 Controls relating to miscellaneous permissible uses

Comment: Not applicable.

5.10 Heritage conservation

Comment: The site does not contain any known items of heritage significance. It is the responsibility of the Applicant to ensure compliance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. In the event consent is issued, the consent will include the standard condition regarding protection of Aboriginal Cultural Heritage.

5.13 Eco-tourist facilities

Comment: Not applicable.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Comment: Not applicable.

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

Comment: Not applicable.

5.18 Intensive livestock agriculture

Comment: Not applicable.

5.20 Standards that cannot be used to refuse consent—playing and performing music

Comment: Not applicable.

5.21 Flood planning

Comment: Not applicable.

5.22 Special flood considerations

Comment: Not applicable.

5.24 Farm stay accommodation

Comment: Not applicable.

5.25 Farm gate premises

Comment: Not applicable.

Part 6 Additional local provisions

6.1 Earthworks

Comment: Development consent is required for the earthworks to facilitate the proposed development. It is considered the proposal is not inconsistent with the requirements of the section.

6.2 (Repealed)

6.3 Terrestrial biodiversity

Comment: Not applicable.

6.4 Riparian land and watercourses

Comment: Not applicable.

6.5 Wetlands

Comment: Not applicable.

6.6 Development on river front areas

Comment: Not applicable.

6.7 Development on river beds and banks

Comment: Not applicable.

6.8 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 proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) Supply of Water* – Not applicable (excluding fire fighting supply addressed later in this Report).
- (b) Supply of Electricity* – Not applicable.
- (c) Disposal and management of sewage* – Not applicable.
- (d) Stormwater drainage or onsite conservation* – Suitable measures are proposed and these form part of the application and suite of conditions.
- (e) Suitable road access* – No change is proposed to the road access during construction and operation thereon.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

Comment: There are several proposed instruments which have been the subject of public consultation under the EP&A Act, none of which are relevant to the subject site and specifically the proposed development.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

3.2(a)(iii) Any development control plan

Comment: Wakool Development Control Plan 2013 applies to the proposal. The following Wakool Development Control Plan provisions are relevant to this application:

Chapter B.1 Residential & Ancillary Uses

Comment: Not applicable.

Chapter B.2 Industrial & Higher Impact Uses

Comment: Not applicable.

Chapter B.3 Commercial, Retail & Other Uses

Comment: Not applicable.

Chapter B.4 Agricultural Uses

Comment: The subject land is zoned RU1 Primary Production, however the proposed development is not provided for, by this chapter.

Chapter B.5 Subdivision

Comment: Not applicable.

Chapter B.6 Other Types of Development

Comment: Not applicable.

Chapter C Site-Specific Controls

C.1 Natural Environment

Comment: The subject site is modified and contains and industrial development. The proposed development associates with this for its electricity supply. The position of the development is directly associated with its intent to service the existing almond processing facility and does not create adverse environment impact beyond that already present.

C.2 Hazards

Comment: The proposed development is not specifically inconsistent with the requirements of this Chapter.

C.3 Heritage & Culture

Comment: The site does not contain any known items of heritage.

It is the responsibility of the Applicant to ensure compliance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. In the event consent is issued, the consent will include the standard condition regarding protection of Aboriginal Cultural Heritage.

C.4 Access & Parking

Comment: The proposed development is not specifically inconsistent with the requirements of this Chapter and can be conditioned accordingly.

C.5 Urban Area Character Statements

Comment: Not applicable.

(d) Contributions

The *S7.12 Development Contributions Plan 2011* is relevant pursuant to Section 7.18 of the EP&A Act and has been considered in the assessment.

Comment: No contributions is applicable to this development.

(e) Clause 4.6 Request

Comment: No development standards are proposed to be varied.

(f) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

Comment: No planning agreements have been entered into and there are no draft planning agreements being proposed for the site.

(g) Section 4.15(1)(a)(iv) – Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

- If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan;
- Dark Sky Planning Guideline, if applicable;
- *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) if for manor house or multi dwelling housing (terraces);
- If a building for residential purposes on land in Penrith City Centre is proposed, the *Penrith City Centre Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre*;
- Development on land to which Wagga Wagga LEP 2010 applies, the *Wagga Wagga Special Activation Precinct Master Plan* (DPE, May 2021);
- Development on land to which Moree Plains LEP 2011 applies, the *Moree Plains Special Activation Precinct Master Plan* (DPE, January 2022).

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation.

Comment: All relevant provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

(h) Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. The potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above, and the key issues are as follows:

- **Context and Setting**

The proposal is generally consistent within the context of the site, specifically as the proposed development associates with an existing functional almond processing facility to meet its electricity demands.

As the site is already modified and the location of the proposed development chosen for its functional need the rural character, amenity and other visual qualities of the surrounding environment are not compromised.

Of relevance is the scale and position of the development i.e. the pitch of the panels, their orientation, setback from boundaries and location of sensitive or residential activities and backdrop of the substantive development of the almond processing facility, which remove potential adverse impact on the site context and setting including on adjoining properties.

- **Amenity**

The proposed development is considered to have an acceptable impact on local amenity. There will be some localised visual and construction noise impacts on a small number of receivers. Mitigation measures are considered to be able to be satisfied via conditions of consent (in the event approval is granted).

- **Access and Traffic**

No change is proposed to the existing access arrangement that will be shared with the almond processing facility.

A traffic management will be prepared and adhered during the construction works.

Council's Transport Engineers have raised no objections or specific requirements aside from the construction traffic management.

- **Public Domain**

The development is entirely contained within the site and has no impact on the public domain.

- **Utilities**

Existing utilities will be used for the development where needed, and as outlined earlier in this Report, a number of these are unnecessary. Of relevant is stormwater management, which will be collected and directed to an existing onsite system. Council Engineers have raised no objections or requested specifics/details relating to the capacity of this existing onsite system.

- **Heritage**

The site is not subject to any heritage conservation provisions.

An Aboriginal Cultural Heritage assessment was prepared as part of the almond processing facility that is considered relevant. Note that after the panel briefing and direction received from the panel, the Applicant confirmed this assessment remains current and relevant for the proposed development.

In any event statutory requirements would trigger contingency measures if any Aboriginal Cultural Heritage was subsequently identified during construction works.

- **Discharges**

Air quality within the locality is typical of the rural region. It is generally high however dust raised during drier months contributes to sporadic reductions in air quality, with increase in the level of particulate matter in the air due to the burning of agricultural residues and soil cultivation for cropping. During the operational phase of the development, soils at the site is expected to remain stable.

Dust generation is also expected to be closely managed as it is harmful to the effectiveness of the solar array to generate electricity and cause nuisance to surrounding receptors.

Solar farms have low to no emissions of air pollutants during their operation.

- **Natural Environment**

The Application outlines that the proposal is unlikely to adversely impact upon the little biodiversity values of the site given the site is already modified and the location of works.

- **Noise and Vibration**

Noise and possibly vibration will occur during the construction works.

Operational noise emissions are likely from the transformers and inverters used in the development site.

Any planned maintenance works are expected to occur during the daytime, and any emergency maintenance to occur at the time of such event.

As noted earlier, given the position of the development on the site adjacent to the existing almond processing facility and the rural context, all noise and any vibration

sources are not likely to create adverse impact particularly the nearby rural residential receivers. Sensitive receivers are also present in excess of 1400m, refer to Figure 4.

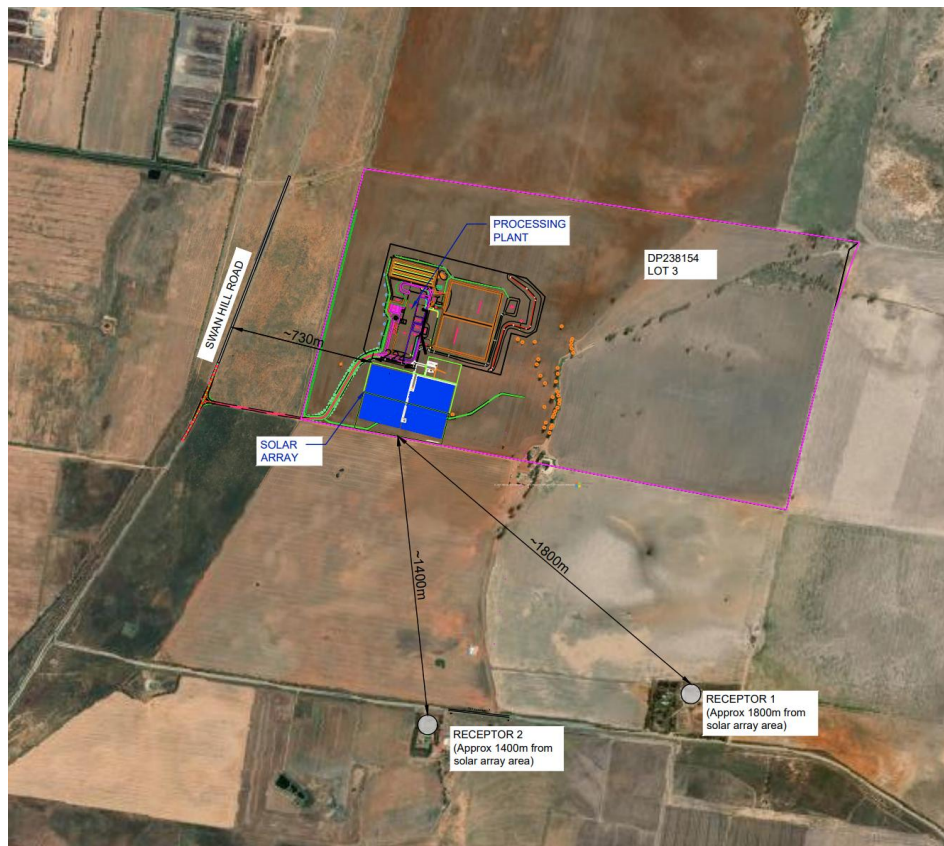


Figure 4 – Sensitive Receiver Plan (SEE, 2024) where the subject site is outlined in pink and the area of the solar panels shaded in blue

- **Construction Nuisance**

Construction related nuisances can arise from this development, and in turn reduce amenity values. While a nuisance, any associated impact will be temporary and appropriately managed during construction.

As outlined earlier in this Report, the scale of this development, location of works and setback to sensitive receivers means any construction related nuisances are unlikely to be adverse.

- **Waste**

Waste generated during the construction phase will predominantly be classified as solid waste. Such examples include packaging materials, excess building materials, scrap metal and cabling materials.

All waste generated during the development will be managed in accordance with the Protection of the Environment Operations Act 1997 and adhere to the objectives of the Waste Avoidance and Resource Recovery Act 2001.

Waste produced during construction will be required to be disposed of at a licensed facility.

Any green waste (e.g. low lying grass) will likely be mulched and rehabilitated at the site or appropriately removed.

At time of decommissioning (if and when that occurs), all infrastructure including cabling and panels and mounting frames including footings and inverters would/should be disassembled and removed from the site.

- **Natural Hazards**

The subject site is not impacted by any hazards, except bush fire.

Note the site was classified as bush fire prone land in the recent update of the mapping endorsed by the Minister, i.e. as of 30 April 2025. Subsequently, the application was referred to the Rural Fire Services (RFS) for assessment.

The Planning for Bushfire Protection 2019 contains specific bushfire mitigation measures relating to solar farm development and outlines standard construction bushfire risk reduction and management measures including availability of fire-suppression equipment, access and water and appropriate bushfire emergency management planning should be in place, in addition to solar farm specific measures, that includes:

- adequate clearances to combustible vegetation
- firefighting access
- water supply, and
- asset protection zone including inner protection zone

The RFS referral response contained recommended conditions of consent encompassing the above measures, and the requirement for an Emergency Management and Operations Plan. This plan is to be developed in consultation with RFS.

- **Other land resources**

- Safety, Security and Crime Prevention

The proposed development is considered to satisfy the principles of Crime Prevention Through Environmental Design (CPTED). These include clear delineation between public and private areas; fencing the periphery of the development; operational lighting; and design restricting public access to the development.

No other CPTED principles are considered necessary.

As such, the relevant CPTED requirements are met.

- Social Impact

The development as proposed is not considered to generate any adverse social impact.

- Economic Impact

While the proposal is to support the existing almond processing facility, the proposed development creates positive economic effects for the operator. Indirectly, the community is likely to witness positive economic effects in form of employment if local work / contractors were used.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.2 Section 4.15(1)(c) - Suitability of the site

The Applicant has provided additional information to address concerns registered during the assessment of the application, after the regional panel briefing and with the mapping of the site as bush fire prone land. The additional information and the originally submitted application collectively confirm the proposal is unlikely to cause any significant adverse environmental impact.

As such, the site is suitable for the proposed development.

3.3 Section 4.15(1)(d) - Public Submissions

Not relevant.

3.4 Section 4.15(1)(e) - Public interest

The public's interest has been taken into consideration in the assessment of this development application. It is considered the proposed development is likely to enable community benefit.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 5. There are no outstanding issues arising from the referral responses subject to the imposition of the recommended conditions of consent being imposed.

Table 2: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Not applicable			
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	RFS did not object to the granting of consent. The feedback received is incorporated within this Report along with conditions of consent.	Yes
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	TfNSW did not object to the granting of consent. The feedback received is incorporated within this Report.	Yes

Integrated Development (S 4.46 of the EP&A Act)

Not applicable

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council Engineer reviewed the submitted application and additional information relating to stormwater management and disposal. These are detailed earlier within this Report. No objections were raised to the proposal. Recommended conditions of consent were suggested.	Yes
Traffic	Council Engineer reviewed the proposal and additional information in relation to the construction traffic impact, direction from the panel briefing and the subsequent additional information from the Applicant. The traffic matters including construction management matters are detailed earlier within this Report. No objections were raised to the proposal. Recommended conditions of consent were suggested.	Yes
Building	Council Officer reviewed the proposal and raised no objections. Recommended conditions of consent were suggested that relate to requirements for construction and occupational certificates, and compliance with the Building Code of Australia.	Yes
Parks, Open Spaces & Bio Security	Council Officer reviewed the proposal and raised no objections.	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified to the adjacent properties in accordance with the DCP from 20 February 2025 to 6 March 2025. During this neighbour notification, the proposal was also advertised on the NSW Planning Portal. No submissions were received.

Note despite no submissions being received, the impact of the development particularly the amenity of the rural residential developments are considered earlier within this Report and considered unlikely to be of an adverse scale.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined earlier within this report. Following a thorough assessment of the relevant planning controls, issues raised in referrals and regional panel direction, it is considered that the application can be supported.

In summary, the proposal:

- is of minimal environmental impact
- satisfies the applicable planning controls and policies i.e. LEP and DCP
- is permissible with consent through the Transport and Infrastructure SEPP
- does not conflict with or undermine the adjoining land uses particularly any sensitive receivers, and the objectives of the RU1 zone under which it is zoned
- has acceptable adverse impacts, and
- supports the operation and functions of the existing almond processing facility.

All relevant matters have been resolved satisfactorily through additional information provided during the assessment of this application or in form of the recommended draft conditions of consent contained in **Attachment 1**.

6. RECOMMENDATION

That the Development Application DA 10.2025.31.1 for installation of a 12 megawatts photovoltaic solar energy system and associated battery storage system to supply electricity to an existing almond processing facility located at 580 Swan Hill Road, Murray Downs be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment 1**.

The following attachments are provided:

- Attachment 1: Draft Conditions of consent
- Attachment 2: RFS Referral Feedback
- Attachment 3: TfNSW Referral Feedback

All other application materials including additional information provided during the assessment of the application are available via the Planning Portal.