

DEVELOPMENT APPLICATION: 10.2025.31.1
NSW PLANNING PORTAL: PAN-496745
WESTERN REGIONAL PLANNING PANEL: PPSWES-298
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.
ZONE: RU1 Primary Production
ADDRESS: 580 Swan Hill Road, Murray Downs
PROPERTY: Lot 3 DP238154
OWNER: Murray Downs Processing Pty Ltd
APPLICANT: James Golsworthy, James Golsworthy Consulting Pty Ltd

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Approved plans

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Prepared by	Reference	Date
Development Plans titled "Murray Downs Solar Micogrid, 580 Swan Hill Road, Murray Downs".	AGL Energy Solutions	Project 50629P5 – Drawing GE-1.0 (Overview - Site) - Revision J	4 February 2025
		Project 50629P5 – Drawing GE-1.1 (Overview – Solar Farm) - Revision E	11 November 2024
		Project 50629P5 – Drawing GE-1.4 (General Arrangement – HV Switch Board) - Revision A	7 November 2024

		Project 50629P5 – Drawing GE-0.1 (Locality Plan – Sensitive Receiver) - Revision B	14 April 2025
		Project 50629P5 – Drawing GE-5.0 (Landscape Plan) - Revision B	17 April 2025
Development Design Specifications titled “Energy Storage and New Application Battery Division EPRI”.	-	-	27 April 2024
Development Design Specifications titled “Commercial Drawings including equipment”.	SMA	MVPS-XXX-S2, Pages 1 to 4 – Revision 01.	10 February 2023
Product Drawings:	Sungrow	SG4950HV-MV- V129, Pages 1 to 14.	11 October 2023
Development Design titled “General Arrangement, AGL 2000kVA Kiosk, 2000K507”.	Tyree Industries Pty Ltd	0750-2081 – Revision F, Sheet 1 of 1.	4 November 2024
Statement of Environmental Effects, 580 Swan Hill Road, Murray Downs	James Golsworthy Consulting Pty Ltd	24-037	December 2024
Solar Reflectivity Study Report titled “Murray Downs Almond Processing Microgrid”.	AGL Energy Solutions	50629P5	10 March 2025
BESS Fire Risk Assessment titled “Murray Downs Almond Processing Microgrid”.	AGL Energy Solutions	50629P5	14 March 2025
Traffic Report titled “580 Swan Hill Road, Murray Downs, Almond Shelling and Hulling	Traffic Works Pty Ltd	220029	8 September 2022

Facility, Traffic Impact Assessment".			
Heritage Report titled "Amond Shelling and Hulling Facility, Canally Orchards, Aboriginal Cultural Heritage Due Dilligence Assessment".	Landskape	-	7 November 2022
Statement for the Heritage Assessment relating to the current application titled "5 80 Swan Hill Road, Murray Downs (24-037)".	Landskape	-	17 April 2025
Stormwater Management Plan titled "Murray Downs NSW Microgrid, Stormwater Management Plan Report".	Tonkin Consulting Pty Ltd	250499R01A	16 April 2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Battery Storage

The battery storage facility or system associated with the development must not exceed a total delivery capacity of 12 megawatts.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage facility or system in the future.

Reason: To ensure the development is carried out as assessed.

3. Compliance with the Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

A reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

4. Vegetation Retention and Removal

Existing vegetation on the site is to be retained and protected from damage during work.

Reason: To protect vegetation on the site that is to be retained.

COMPLIANCE WITH GOVERNMENT DEPARTMENT CONDITIONS OF CONSENT

5. Rural Fire Services (RFS)

The Applicant must comply with all comments and requirements outlined in RFS correspondence dated 23 May 2025, attached to this Development Consent as **Appendix 1**.

Reason: To ensure compliance with RFS requirements.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

6. Construction Certificate

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the Environmental Planning and Assessment Act 1979.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

7. Substation Containment

The substation shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

Reason: To prevent water or land contamination from potential spills or leaks from the transformers within the substation from polluting the site and surrounding areas.

8. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate an Erosion and Sediment Control Plan (ESCP) must be prepared and submitted to Council for approval.

The ESCP must be prepared by a suitably qualified consultant to the satisfaction of Council, and in accordance with the *“Blue Book” – Managing Urban Stormwater: Soils and Construction (Landcom)*. The ESCP is to include:

- a) Measures to prevent erosion (particularly minimised disturbance to existing surface levels), sediment transport, and dust generation during all stages of construction.
- b) Location and design of controls such as sediment fences, diversion drains, stabilised site access points, and stockpile management.
- c) Details for progressive stabilisation of disturbed areas and rehabilitation of the site upon completion of works.

A Construction Certificate must not be issued for the development until the above requirements are deemed an acceptable design by the relevant Council Officers.

Reason: To ensure erosion and sediment controls are appropriate for the construction activity.

9. Construction Site Management Plan

Prior to the issue of a Construction Certificate, a Construction Site Management Plan (CSMP) for the development shall be prepared and submitted to Council for approval.

Reason: To ensure the development is undertaken in accordance with the relevant Australian Standards and best practice.

10. Construction Traffic Management Plan

Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) for the development shall be prepared and submitted to Council for approval.

The CTMP must be prepared by a suitably qualified professional and must include:

- a) **Construction Vehicle Movements:** Designated routes, entry/exit points, and scheduling to minimise disruption to Swan Hill Road and surrounding agricultural activities.
- b) **Traffic Control Measures:** A Traffic Guidance Scheme (TGS) in accordance with Transport for NSW's Traffic Control at Work Sites Manual, including signage, speed restrictions, and any required traffic controllers.
- c) **Site Access and Safety:** Measures to prevent conflicts between construction vehicles, farm operations, and local traffic.
- d) **Dust and Road Maintenance:** Strategies to mitigate dust impacts and ensure local roads remain in good condition.
- e) **Emergency Access:** Uninterrupted access for emergency vehicles at all times.

Reason: To ensure the development is undertaken in accordance with the relevant Australian Standards and best practice, and ensure development impact is suitably managed and mitigated.

11. Waste Management Plan

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) for the development shall be prepared and submitted to Council for approval.

Reason: To ensure the development is undertaken in accordance with the relevant Australian Standards and best practice.

12. Emergency Management Plan

Prior to the issue of a Construction Certificate, an Emergency Management Plan (EMP) for the development shall be prepared for the life of the operation for this development and submitted to Council for approval.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

13. Section 7.12 Contributions

The payment of Section 7.12 Levy Development Contributions in accordance with Council's policy must be made to Council prior to the issue of a Construction Certificate. Section 7.12 charges are 1% of the cost of the development (\$15,271,419.237), which equates to **\$152,714.19**.

Please contact Council's Infrastructure Department for a Fee Invoice at time of Construction Certificate lodgement.

It is noted Council staff do not have delegation to vary Council's adopted Contributions Policy and any variations are required to be approved by Council. The Applicant may request a review of determination under Section 8.3 of the *Environmental Planning and Assessment Act 1979* within 6 months of the date of this notice. A fee is payable to Council.

The subject Section 7.12 Levy Development Contributions are imposed under Council's Section 94A Levy Development Contributions Plan 2011, of which is available for inspection at Murray River Council's Moama office, 52 Perricoota Road, Moama NSW 2731, and on Council's website at www.murrayriver.nsw.gov.au.

Reason: To comply with Council's Development Contribution policies.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO COMMENCEMENT OF WORKS

14. Appointment of Principal Certifier

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- a) Appoint a Principal Certifier and notify the Council of the appointment (if Council is not appointed); and

- b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

15. Implementation of the Management Plans

The approved management plans as required by Conditions:

- 8 (ESCP); and
- 9 (CSMP); and
- 10 (CTMP); and
- 11 (WMP); and
- 12 (EMP),

must be implemented and maintained prior to, and during, the construction works on the site until works are completed.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

CONDITIONS WHICH MUST BE FULFILLED DURING CONSTRUCTION WORKS

16. Construction Hours

All construction works shall be limited to the following hours:

- a) Monday to Saturday: 7am to 8pm; and
- b) Sundays or Public Holidays: 8am to 8pm.

Unless otherwise approved within the CSMP, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

17. Compliance with Construction Site Management Plan

The requirements of the approved CSMP required by Condition 9 must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.

- b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction

18. Compliance with Waste Management Plan

While construction works are being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved WMP as required by Condition 11.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- a) The contact details of the person(s) who removed the waste
- b) The waste carrier vehicle registration
- c) The date and time of waste collection
- d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- e) The address of the disposal location(s) where the waste was taken; and
- f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

19. Compliance with Construction Traffic Management Plan

The requirements of the approved CTMP required by Condition 10 must be complied with and maintained for the duration of the construction works.

Reason: To ensure the required site management measures are implemented during construction.

20. Compliance with Erosion and Sediment Control Plan

The requirement of the approved ESCP required by Condition 8 must be implemented and maintained throughout the construction and works.

Reason: To ensure the required site management measures are implemented during construction.

21. Compliance with Stormwater Management Plan

The requirement of the approved SMP referred to in Condition 1 must be implemented and maintained throughout the construction and operation of this development.

Reason: To ensure the required site management measures are implemented during construction and thereon for the life of the development.

22. Discovery of Aboriginal Objects

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered.

The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

In this condition:

- a) "relic" means any deposit, artefact, object or material evidence that:
 - i. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - ii. is of State or local heritage significance; and
- b) "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

23. Construction Noise

While building work is being carried out and where no specific noise and vibration management plan is approved under this consent or included within the CSMP, the applicant is to ensure that any noise caused by works does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

24. Critical Stage Inspections

Building work must be inspected on the occasions (as necessary) set out under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason: To require approval to proceed with building work following each critical stage inspection (as necessary and relevant) and comply with the Regulation.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE OCCUPATION CERTIFICATE

25. Occupation Certificate

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied, and an Occupation Certificate has been issued by the Principal Certifier pursuant to Section 6.10 of the Environmental Planning and Assessment Act 1979.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

26. Completion of all Works

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following (as proposed by the Applicant and outlined in documents referred to in Condition 1):

- a) Fencing the surrounds of the solar farm; and
- b) Internal access track, extending from the existing access way for the almond processing facility.

Reason: To ensure adequate arrangements have been made for the development and any mitigation or safety measures are undertaken as proposed.

27. Removal of Waste upon Completion

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan.

Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier.

If relevant, and prior to the issue of a partial Occupation Certificate, the applicant must ensure any temporary storage of waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO COMMENCEMENT OF OPERATIONS

28. Essential Fire Safety Measures

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia.

Prior to the commencement of operation, the owner must cause the Council to be given a fire safety certificate.

The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property.

Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).

Reason: To comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

29. Government Agencies

Prior to the commencement of operation, evidence must be provided to Council outlining how relevant conditions from Government Agencies listed in the subject DA have been complied with. The evidence must be to the satisfaction of Council and the relevant Government authority.

Reason: To ensure Government Department requirements are met.

CONDITIONS WHICH MUST BE COMPLIED WITH FOR THE DURATION OF CONSENT

30. Decommission and Rehabilitation Plan

A Decommissioning and Rehabilitation Plan (DRP) must be provided to Council (or relevant approval authority) for review and approval no later than 12 months prior to the proposed cessation of operations.

The objective of this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:

- a) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development
- b) Programme of site restoration to return the land to a suitable state for agricultural purposes
- c) Details on waste management and recycling of all materials arising from the development
- d) Expected timeline for rehabilitation completion; and
- e) Including a programme to monitor and report on the implementation of the above measures.

The approved DRP must thereon be implemented.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, and to ensure the site can be returned to its original condition.

31. Emergency Management Plan

The approved EMP required by Condition 12 for the development shall be activated when required throughout the operation of the development and shall be updated, if required.

Reason: To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

32. Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on the site or in connection with the development is maintained in a proper and

efficient condition and operated in a proper and efficient manner to the satisfaction of the relevant authority.

Reason: To ensure all plant and machinery on the site is in good working order and is operated in a safe manner.

33. External lighting

Any lighting used on the site in connection with the development is to comply with *AS/NZS 4282:2023 – Control of the obtrusive effects of Outdoor lighting*.

The Applicant must:

- a) minimise off-site lighting impacts arising from the development; and
- b) ensure that any external lighting associated with the development:
 - i. is installed as low intensity lighting except where required for safety or emergency purposes; and
 - ii. does not shine above the horizontal plane where the lights are placed.

Reason: To protect the amenity of the surrounding area.

34. Visual Impact

The Applicant must:

- a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels, and in accordance with the assessment referred to in Condition 1;
- b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- c) not mount any advertising signs or logos on site, except where this is required for safety purposes, or enabled by another development approval.

Reason: To minimise the visual impact of the development.

35. Minimise Harm to the Environment

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction, operation or decommissioning of the development, including weed control.

Reason: To minimise harm to the environment.

36. Storage of Hazardous Materials

The applicant must store and handle all dangerous and hazardous materials on site in accordance with *AS 1940-2004: The storage and handling of flammable and combustible liquids*.

The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons.

Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

37. Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the Protection of the Environment Operations Act 1997 at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's Noise Policy for Industry (2017).

If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations, if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

ADVICE TO APPLICANT

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or admin@murrayriver.nsw.gov.au if there is any difficulty in understanding or complying with any of the above conditions.

Reason: To ensure the Applicant is aware of their obligations.

The development must be in accordance with the relevant provisions and Regulations of the Biodiversity Conservation Act 2016, the Fisheries Management Act 1994, the Heritage Act 1977, the Local Government Act 1993, the National Parks and Wildlife Act 1974, the Protection of the Environment Operations Act 1997, the Roads Act 1993, the Rural Fires Act 1997, the Water Management Act 2000 and all other applicable legislation.

Reason: To comply with relevant legislation.

The Applicant should be aware that under Section 120 of the *Protection of the Environment Operations Act 1997* it is an offence to pollute waters.

Reason: To comply with NSW Environment Protection Authority requirements.

No Aboriginal objects may be harmed without approval from Heritage NSW under the National Parks and Wildlife Act 1974.

If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:

- Not further harm the object(s);
- Immediately cease all work at the particular location;
- Secure the area to avoid further harm to the Aboriginal object(s);
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. All reasonable precautions must be taken to prevent damage to Aboriginal objects.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

RIGHT OF APPEAL

If you are dissatisfied with this decision Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court of NSW within 6 months after the date on which you receive this notice.