

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 July 2026
DATE OF PANEL DECISION	2 July 2026
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, George Weston, Tracey Morris
APOLOGIES	None
DECLARATIONS OF INTEREST	The Chair decided that the Council's nominated Panel members are not conflicted by a recent Council policy resolution that opposes the development of solar farms on land with potential for irrigation and identified as State Significant Agricultural Land under draft DPI SSAL mapping, given the policy is not specific to this site and is not captured by the Panel's Code of Conduct.

Papers circulated electronically on 3 June 2026.

MATTER DETERMINED

PPSWES-353 - Leeton - DA 134/2025 at 125 Briggs Road, Stanbridge 2705 - 5 MW electricity generating works facility (Solar Farm), 10 MW battery energy storage system (BESS) (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 the briefings and site visit 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* subject to a deferred commencement condition requiring a detailed Landscape Management Plan.

The decision was 3:2 in favour, against the decision were Cr. George Weston and Cr. Tracey Morris.

REASONS FOR THE DECISION

The Panel determined to approve the application, contrary to the recommendation for refusal outlined in the Council Assessment Report as uploaded to the NSW Planning Portal by Council on 3 June 2026.

Council's assessment report stated that the proposed development is not in the public interest based on a 2026 resolution of Council to formally oppose development applications of solar farms within Leeton Shire that "is currently under or has potential to be under irrigation" and "are identified as State Significant Agricultural Land under the (draft) DPI SSAL mapping".

The Panel understands the reasoning behind the Council policy. However, the adopted policy cannot limit the power available under higher order planning instruments, such as the SEPP TI and the Environmental Planning and Assessment Act (EPA Act). The Panel accepts that the Council policy is generally inconsistent with the relevant terms of SEPP TI, and the specific provisions in the Council policy are not valid reasons to refuse the application. Furthermore, the Panel notes that the draft DPIRD Class 1 – 3 agricultural lands mapping does not form part of SEPP Primary Production 2021 and that DPPI has no plans to incorporate such mapping under the SEPP. It also notes that, according to the applicant's advice, the site will comprise 0.036% of the overall area of Class 3 agricultural lands within the LGA.

The Panel was satisfied that the conditions provided by the Council (with some minor modifications) properly address any impacts of the proposed development. The Panel particularly sought additional and more detailed information on the proposed landscaping to screen the proposed solar panels through a Deferred Commencement condition.

A late request dated 30 June 2026 was received from the applicant to increase the capacity of the battery energy storage system from 10 MWh to 25.7 MWh. The Panel did not consider this request given the request was received during the Panel determination briefing and the inability to receive advice on the ramifications of the request.

Cr. George Weston and Cr. Tracey Morris disagreed with the majority decision for the following reasons:

Cr Weston:

"I have concerns regarding the potential loss and erosion of agricultural resources and associated infrastructure within the locality. In particular, the continued viability of irrigation infrastructure, including the Murrumbidgee Irrigation (MI) channel network, relies on a sufficient and stable customer base.

The introduction of non-irrigation land uses on highly productive agricultural land may contribute to a reduction in demand for such infrastructure over time. This raises a reasonable apprehension that critical irrigation assets, such as MI channels, may become underutilised or subject to rationalisation or abandonment if fewer agricultural users remain.

While these impacts may not be readily quantifiable at an individual development scale, I consider that the cumulative effect of permitting such developments has the potential to adversely affect the long-term sustainability of irrigation-dependent agriculture in the region and the potential loss of "value added" products that are manufactured in Leeton Shire and the jobs that are involved in providing the locally manufactured goods."

Cr Morris:

"The subject site comprises Class 3 land capability, being highly productive and suitable for irrigated farming. This parcel of land, in the heart of Leeton shire is serviced by Murrumbidgee Irrigation who provide irrigated water and drainage services to enable food and fibre to be grown as was the original intended purpose of the Murrumbidgee Irrigation Area. In my view, the proposed development represents an inappropriate use of this land for a non-agricultural purpose and is inconsistent with the need to protect valuable agricultural resources.

I note that the proposed development is unlikely to generate any meaningful employment or economic benefit over its anticipated operational life of approximately 25–30 years. Accordingly, it does not make a positive contribution to the economic development objectives of the local area.

I am also concerned that approval of this proposal would establish an undesirable precedent, potentially encouraging further encroachment of non-irrigation uses onto highly irrigable land. This could, over time, undermine the long-term agricultural productivity and viability of the shire and the Murrumbidgee Irrigation Area.

For these reasons, I consider the proposal to be contrary to the principles of orderly and economic use of land and not in the public interest, and I therefore vote for the refusal of the application"

CONDITIONS

The Development Application was approved subject to the revised draft conditions uploaded to the Portal on 24 June 2026 with the following amendment:

- The draft conditions are amended by inserting the following text prior to the heading "General":

Pursuant to section 4.16(3) of the EP&A Act 1979 the granting of consent to the proposed development is not to operate until the applicant satisfies the consent authority, in accordance with section 76 of the EP&A Regulation 2021, regarding the requirements of the following condition:

Deferred Commencement Condition: A detailed Landscape Management Plan prepared by a suitably qualified landscape architect is to be submitted to and approved by Council. The Plan is to address the following to the Council's satisfaction:

a. Landscaping Buffer:

- i. A landscaped screening buffer is to be established along the perimeter of the site, particularly adjoining sensitive receivers and public road frontages (including Briggs Road and Murrami Road).
- ii. The buffer is to be a minimum width of 5 metres and is to consist of dense planting at a suitable density to visually screen the proposed development. The width of the buffer is to be increased within the array setback area adjacent to the dwelling house at 149 Murrami Road in order to protect the visual amenity of the dwelling house.
- iii. Plant species selection is to be appropriate to the local environment, with all selected trees and shrubs being semi-mature (i.e. at least 1m tall above root ball at planting) and capable of achieving an effective visual screen within a reasonable timeframe.
- iv. Screening vegetation must be established outside the perimeter fencing to maximise its effectiveness in mitigating visual impacts.

b. Landscape Management Plan to include:

- i. Details of planting species, spacing, densities and staging of works.
- ii. Details of proposed landscaping irrigation or watering systems.
- iii. Details of ongoing maintenance measures, including replacement of dead or diseased plants during the life of the proposed electricity generating development.
- iv. Details of measures for the ongoing control of noxious weeds within the site.

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

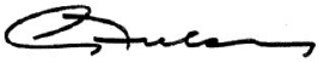
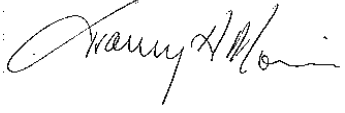
(B) OPERATIONAL CONDITIONS

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition and notes that issues raised included:

- noise, visual and property value impacts to adjacent residential property
- glint and glare assessment adequacy
- absence of thermal impact assessment given microclimate context of site

The majority of the Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
Garry Fielding (Chair) 	Graham Brown 
Donna Rygate 	George Weston 
Tracey Morris 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-353 – Leeton – DA 134/2025
2	PROPOSED DEVELOPMENT	5 MW electricity generating works facility (Solar Farm) and 10MWh battery energy storage system (BESS)
3	STREET ADDRESS	125 Briggs Road, Stanbridge NSW 2705
4	APPLICANT/OWNER	Applicant: David Hunter / Habitat Planning Pty Ltd. Owner: Craig Bartram, Karen Bartram
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Primary Production) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Leeton Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Leeton Development Control Plan 2022 - 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: 3 June 2026 - Council's revised conditions of consent (titled "79C Assessment Form (Minor Works) - 1052095 - Habitat Planning Pty Ltd (track changes)"): 24 June 2026 - Applicant response to Record of Deferral (titled "Response to request for information - 125 BRIGGS ROAD STANBRIDGE 2705.pdf"): 23 June 2026 - Applicant response to revised conditions of consent (titled "20260630 - Letter to Planning Panel - Stanbridge Solar Farm - BESS capacity.pdf"): 30 June 2026 - Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing to discuss Council's final recommendation and to defer: 9 June 2026 <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, George Weston, Tracey Morris <u>Council assessment staff</u>: Ali Mehdi <u>Applicant representatives</u>: David Hunter, Kathleen Bolger, Jack Evans, Brendan Murphy, Mark Daly <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy - Site visit: 16 June 2026 <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, George Weston <u>Council assessment staff</u>: Ali Mehdi, Simon Hearn

		• Briefing to discuss Council’s final recommendation: 30 June 2026 ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, George Weston, Tracey Morris ○ <u>Council assessment staff</u>: Ali Mehdi, Simon Hearn ○ <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded by Council to the NSW Planning Portal on 3 June 2026, then reuploaded 24 June 2026 by the Secretariat on Council’s behalf