

APPLICATION SUMMARY

Application No:	17/2026
Title Details:	Lot: 4 DP: 855942
Address:	Mackellar Road CUDGEL 2705
Applicant:	Green Gold Energy Pty Ltd
Is this a Council related DA:	No
Has this DA been submitted by a Council Staff Member:	No
Has this DA been submitted by a Councillor:	No
Date Application Received:	24/02/2026
Owner:	Mr SJ McMahon
Site Area:	60.58 ha
Zoning:	RU1
Existing Use:	Primary production
Proposed Development:	Installation of a 5.83MW Solar farm including 11MW battery energy storage system (BESS) and associated electrical infrastructure and site works.

INTRODUCTION**The Development**

The applicant is seeking development consent for construction of a Solar Farm – photovoltaic energy generation, storage, and distribution facilities, and associated works at Lot: 4 DP: 855942, Mackellar Road CUDGEL 2705 (also known as Mac Kellar Road).

The development includes installation of a 5.83MW solar farm comprising a 9,558 panel photovoltaic array, an 11MW battery energy storage system (BESS), and associated electrical infrastructure including include a PV switchboard, an inverter station, underground cabling for customer-owned connections, and connection to existing Essential Energy (EE) 33kV distribution lines.

Associated works includes landscaping, vehicle access and parking, and perimeter security fencing around the affected area.

The solar farm is to occupy a fenced area comprising approximately 11 hectares of the site. The remainder of the 60.58 hectare allotment is preserved for ongoing agricultural use.

See below under the heading 'Details of the Proposal' for further information.

Site Description and surrounding land use and development context

Property Details

The subject site is known as Lot: 4 DP: 855942 and has an area of 60.58 ha with frontage to Mackellar Road of approximately 1010m.

The site is located approximately 17km South-East of Leeton central GPO.

The surrounding landscape is characterised by broadacre/irrigated agricultural land and associated irrigation and drainage infrastructure.

In the locality, existing irrigation infrastructure includes the Cudgel Sandhills Channel adjacent the site's East boundary, and the Main Canal located to the north (approximately 400 metres from the site).

For a location map see Figure 1.

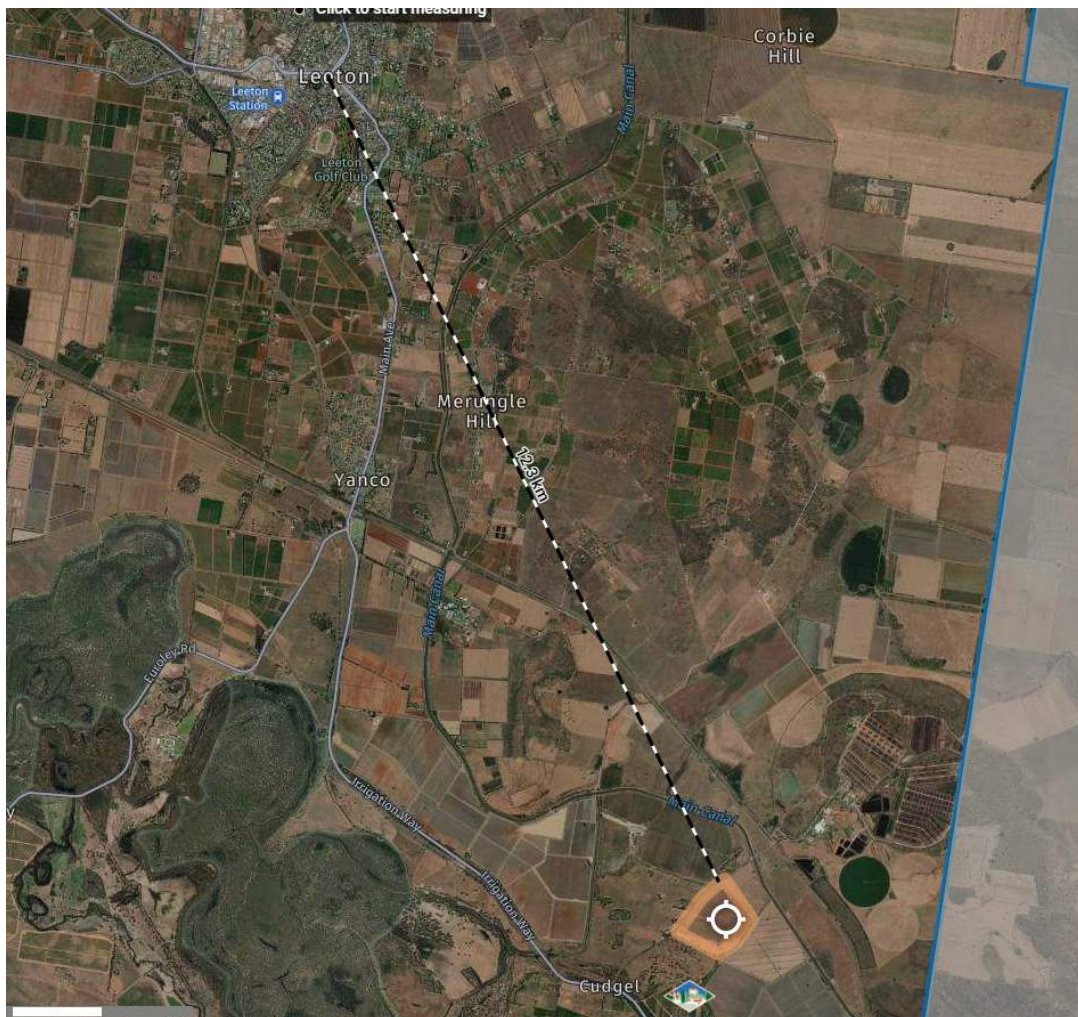


Figure 1: Location Plan

Site Characteristics

The property is a moderately sloping site, with the topography rising in elevation towards the East, away from the primary street frontage. As a result, the land is relatively prominent when viewed from the primary frontage on Mackellar Road. See Figure 2 below.

The site is capable of sustaining irrigated high-production agricultural cropping, however the affected area is currently not irrigated. The soil characteristics have not been verified by the Applicant, however it is noted the soil profile is classified as Class 6 – Low Capability, in accordance with LSC mapping (see Figure 6 below).

The property is currently used for livestock grazing and materials processing areas, associated with the current owner's Landscape Supply business.



Figure 2: view of development site from Mackellar Road

Existing development on site

The property does not include any buildings or significant infrastructure. There are no recent Development Applications recorded at the property.

An existing gravel driveway and rural style gate connects the site with Mackellar Road.

The property is not connected to mains water or sewer.

The south-east corner of the Lot includes some earthwork activities and material stockpiling.

Refer to Figure 3 below for an aerial image of the property.



Figure 3: Aerial image with nearby residential development highlighted in red, and showing Essential Energy assets

Easements and infrastructure

A 33kV overhead Essential Energy electrical line is located adjacent to the site's north-west and north-east boundaries and is an integral component of the proposal.

The site is located adjacent to the Murrumbidgee Irrigation Cudgel Sandhills Channel at the East boundary.

Locality

The overall character of the surrounding area is predominantly rural in character, with broad-acre agriculture and dispersed rural dwellings, typical of farming zones in the region.

The surrounding properties are predominately zoned RU1 Primary Production, with minimum Lot size of 150 ha in accordance with LEP mapping.

The nearest dwelling consists of a residential property located at 243 Mac Kellar Road, CUDGEL (Lot 311), approximately 350m from the subject site (see Figure 3 above).

The primary production processing facility known as JBS Foods Australia is located 763B Regulator Road, is located 920m to the north-east of the site. This 931-hectare property is typically serviced by heavy vehicles, using Mackellar Road access.

Summary of Zoning Agricultural Context

- The land is zoned RU1 Primary Production under Leeton Local Environmental Plan 2014.

- The soil profile is classified as Class 6 – low capability agricultural soil, in accordance with the Office of Environment and Heritage's 'The land and soil capability assessment scheme: second approximation'.
- The site is located within the identified Groundwater Vulnerable area.
- Parts of the site are within the identified Flood Planning area.
- The majority of the site is listed as Draft -State Significant Agricultural Land.

See below for mapping extracts.

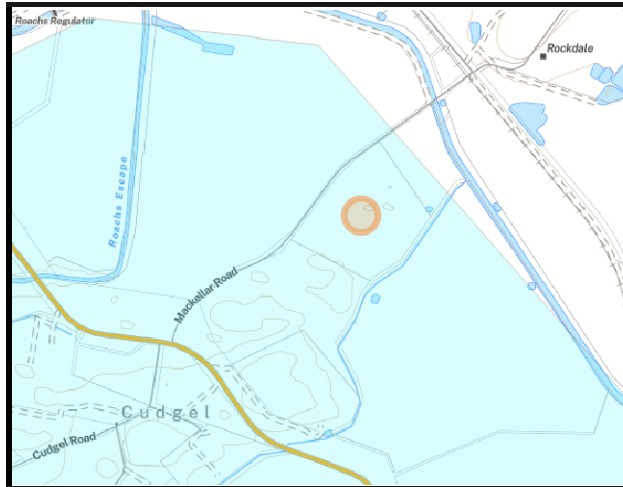


Figure 4; Groundwater Vulnerable, and Biodiversity

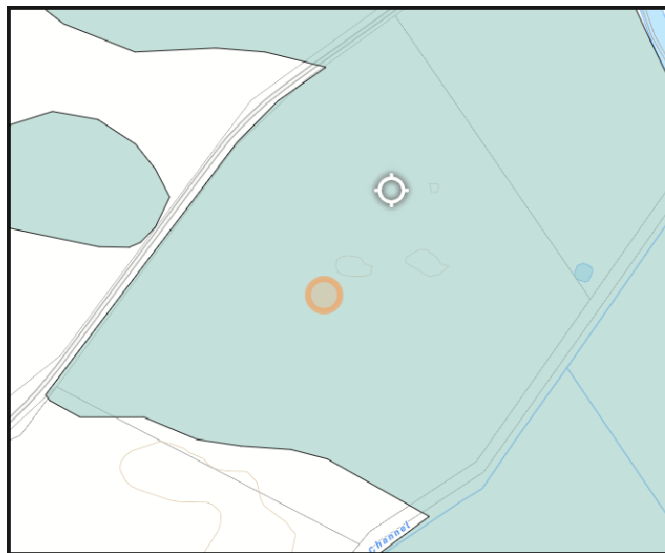


Figure 5; Draft State Significant Agricultural Land

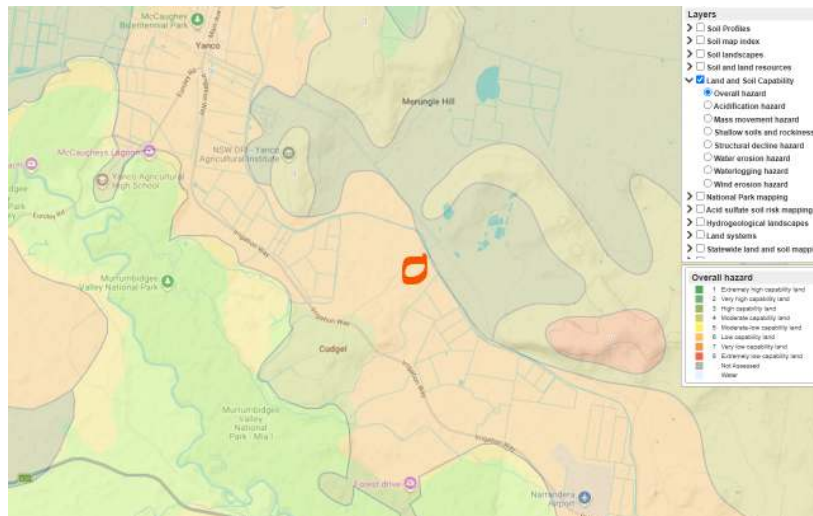


Figure 6; Land Soil Capability (<https://espade.environment.nsw.gov.au/>)

Details of the proposal

The proposed development includes installation of 9,558 solar photovoltaic panels mounted on single-axis trackers, a 4-module 11MW battery energy storage system (BESS), and associated electrical infrastructure which include a PV switchboard, an inverter station, underground cabling for customer-owned connections, and connection to existing Essential Energy (EE) 33kV distribution lines.

The development area is located in the North-East corner of the site, nearest to the Mackellar Road frontage and side boundary (see Figure 7 below).

Vehicle access is to be provided from Mackellar Road via existing gravel driveway and rural gates. On site vehicle parking, manoeuvring and loading areas are proposed within the site on unsealed surfaces, at construction and decommissioning stages, however the details of these facilities are not clearly defined by the application documents.

Some landscaping screen planting is proposed, however the detail of this work also requires clarification.

The remainder of the land is preserved for ongoing agricultural use.



Figure 7; extract of Site Plan (Green Gold Energy)

The development proposal does not include provision of new vehicle access to the site; access to the proposal site is provided via an existing all-weather gravel road from Mackellar Road.

According to the SoEE, it is considered that this roadway would be capable of supporting vehicle traffic during construction of the proposal. However, this arrangement does not meet Leeton Shire's Engineering standards, and would require additional upgrades.

Referrals

Internal referrals:

The application was referred to Council's Engineering and Building Departments for comments and/or conditions. The following was received.

Referral	Comments	Recommended
Engineering	<i>The application was referred to engineering, conditions are at the end of this report.</i>	Yes, subject to conditions
Building	<i>The application was referred to building, conditions are at the end of this report.</i>	Yes, subject to conditions

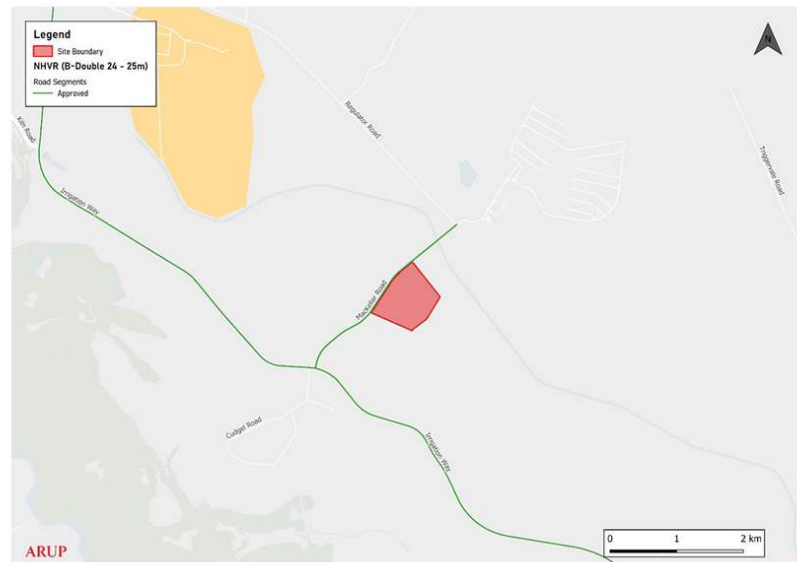
Engineering Assessment:

Traffic Movements & Parking

There will be a minor increase in vehicle movements. The proposed development has the potential to generate some minimal traffic impacts during the construction phase associated with staff and equipment coming to and from the site consisting of a mix of

light and heavy vehicles, as well as construction waste being removed from site via heavy vehicles.

Heavy vehicle route has been indicated in the 5.83 MW Solar Farm & 11 MW BESS Lot 4, Mackellar Road, Cudgel Traffic Impact Assessment report by Arup Australia Pty Ltd. This route will need to be utilized for site access during construction and operation.



NHVR mapping indicates that:

- Irrigation Way is an approved route for 24 m to 25 m B doubles.
- Sections of Mackellar Road including the sites frontage are also approved for B double access.

Accesses

Primary access to the solar facility will be via a new gate on Mackellar Road, located approximately 1.5km north of the Irrigation Way.

This must be constructed to meet the requirements of the LSC engineering guidelines, DCP, standard drawings and the provided traffic impact assessment.

Special attention needs to be made to control the spread of Noxious weed "Spiny burr grass" during construction and during operations of the site.

Parking

A parking area needs to be provided on-site to accommodate 20 car parking spaces, which would be used by light and heavy vehicles during the construction and operational phases. Parking areas would be designed in accordance with AS2890.1 and AS2890.2. as per the Traffic Impact Assessment report by Arup Australia Pty Ltd

Water

Council's reticulated water is not available to this site.

Wastewater & Sewer

Reticulated sewer system is not available to the development site.

Stormwater/Flooding

Part of the development site is subjected to flood planning controls as per the flood planning areas of LSC.

Stormwater to be managed as per the proposed design as per the Hydraulic Assessment Report - PAN-613370 - DA 17/2026 - Electricity generating facility (solar and wind) - MACKELLAR ROAD CUDGEL 2700. All critical infrastructure to be located away from the areas of possible flooding.

Liquid Trade Waste (LTW)

A Liquid Trade Waste (LTW) approval will not be required for this development.

Headworks (Section 64)

Development Contributions for Headworks are not applicable for this development.

External referrals – Essential Energy

The proposal was referred to Essential Energy, who provided recommendations for safe work practices on and near to electrical transmission infrastructure. These recommendations have been incorporated into the recommended Conditions of Consent, as provided at the end of this report.

External referrals – NSW Department of Planning, Industry and Environment (DPIE)

In consideration of the development being identified as a Regionally Significant development, it was referred to the DPIE of 23 March 2026, who provided written comment on 14/04/2026.

Their advice is partially summarised below:

This advice was forwarded to the Applicant for comment and/or provision of additional or revised application documentation.

DPIE Comment

- The SEE has a very limited focus.
- The site has been identified as draft SSAL due to historic irrigation layouts and irrigation infrastructure (Main Canal) in the immediate vicinity. It should also be noted that Class 6 land within the Murrumbidgee Irrigation Area (MIA) has traditionally been successfully developed into irrigated orchards and vineyards
- The Land Use Conflict Risk Assessment (LUCRA) has not been undertaken and there has been a very limited assessment of the development and its relationship to the locality
- Groundcover management options (eg livestock grazing, slashing etc) could include ongoing grazing/agricultural production.
- If the project were to be approved, there should be specific commitments to prepare and implement groundcover management plans and agricultural biosecurity plans for the construction and operational phases of the project, developed in consultation with the landowner, neighbours and Local Land Services.

STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

PERMISSIBILITY OF USE

Environmental Planning and Assessment Act 1979

Approval to undertake development in NSW is governed by the Environmental Planning and Assessment Act 1979 (EP&A Act).

As identified in Clause 2.2 of the Leeton LEP, electrical generating facilities, including solar electricity facilities, are **not permitted** within the RU1 – Primary Production zone.

However, in accordance with SEPP (Transport and Infrastructure) 2021, solar energy systems are permitted **on any land** in a prescribed non-residential zone with consent. The SEPP overrides the Local Environment Plan, and as such the development is permissible with consent on the subject site.

Accordingly, the development is permissible with consent and requires assessment under the relevant provisions of the EP&A Act.

EP&A Act 1997 Assessment – General provisions

Section 4.14 EP&A Act —certain bush fire prone land

The subject site is not considered to be bush fire prone land.

Nonetheless, in consideration of potential fire risks, and the un-manned nature of the development, it is recommended that the site is managed appropriately to minimise grass fire risks and to facilitate effective emergency response attendance.

Section 4.5 Designation of consent authority

The development of a kind that is declared as regionally significant development in accordance with the SEPP (Planning Systems) 2021.

Accordingly, the **Joint Regional Planning Panel** is the consent authority, with Leeton Shire Council undertaking assessment and administrative functions.

Section 4.10 Designated Development

The development is not identified as "designated development" as the proposal does supply or is capable of supplying more than 30 megawatts of electrical power from a photovoltaic solar powered generator, in accordance with clause 24(3)(c) of Schedule 3, Part 1 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs).

Section 4.46 Integrated Development

The application is not considered to be 'integrated development' as it does not require approval under any Act as listed by Section 4.46 of the EP&A Act.

Section 7.12 EP&A Act Fixed Development Consent Levies

The application meets the requirements of the Leeton Section 7.12 Development Contribution Plan and the following contributions are owing:

- i. Cost of works \$ 7,245,300.00inc. GST

- ii. Calculation: \$ 7,245,300.00x 1% (0.01)
- iii. **Amount owing: \$72,453.00** (GST inclusive)

A condition will be placed on the consent in accordance with the Plan.

EP& A Act 1997 SECTION 4.15 ASSESSMENT

The provisions of any planning instrument - Section 4.15(1)(a)(i)

Legislation - Acts

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The provisions of the Environment Protection and Biodiversity Conservation (EPBC) Act only relate to proposed actions which have the potential to significantly impact on Matters of National Environmental Significance or the environment or Commonwealth owned land.

There are no matters of National Matters of Environmental Significance within the Shire and the development site is not listed as a National Heritage Place. There is not proposed to be any impact on flora and fauna as part of the development.

As a result, there will not be any impact on matters referenced in the EPBC Act and so there is not any need for any further assessment.

Environment Protection and Biodiversity Conservation Act 2016 (NSW)

Section 1.7 EP&A Act – Part 7 Biodiversity Conservation Act 2016

A Flora and Fauna Assessment for the proposal (Habitat Innovation and Management, December 2025) found the development footprint occurs within a highly modified cropping landscape, with no Biodiversity Values Map constraints extending into the site and no native vegetation present within the subject site.

The assessment also confirmed there is no suitable threatened species habitat and, accordingly, the proposal is not expected to impact threatened species or threatened ecological communities under the BC Act. On this basis, no further assessment is required under this section.

- The development does not require significant clearing of native vegetation.
- It is not located on land identified on the Biodiversity Values Map.
- It is not likely to significantly affect threatened species or ecological communities.
- It is not located within a declared Area of Outstanding Biodiversity Value

It is not defined as State Significant development and therefore a accompanied by a biodiversity development assessment report is not required.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Planning Systems) 2021

The proposal is for electricity generating works with an estimated development cost of more than \$5 million and is therefore Regionally Significant Development, as per Schedule 6 part 5(a) of SEPP (Planning Systems) 2021.

Accordingly, Local Council is not the designated Approval Authority and the development was referred to the Joint Regional Planning Panel for determination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.36 Development permitted with consent

The proposed solar facility is permissible in accordance with SEPP (Transport and Infrastructure) 2021, which permits solar energy systems on any land in a non-residential with consent.

2.48 Determination of development applications—other development

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

In compliance with Section 2.48(2), written notice was provided to Essential Energy. Their recommendations have been incorporated into the recommended Conditions of Consent, as provided at the end of this report.

State Environmental Planning Policy (Primary Production) 2021

See below for a clause by clause assessment of the relevant parts of the SEPP (Primary Production) 2021:

Clause of SEPP	Comments
Chapter 2 Primary production and rural development	
Part 2.1 Preliminary Clause 2.1 Aims of Chapter	
(a) to facilitate the orderly economic use and development of lands for primary production,	The proposal is not for <i>primary production</i> purposes.
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	The proposal is not consistent with this Aim as the affected area will be rendered sterile for agricultural purposes. The proposal has no impact on native vegetation, biodiversity and water resources.
(c) to identify State significant	The land is listed as Draft - State Significant

agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	Agricultural Land. Although the draft SSAL mapping may not ultimately be adopted, it indicates that the land possesses characteristics consistent with high agricultural value. Accordingly, the site's agricultural capability and the potential impacts on agricultural production warrant consideration in the assessment.
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts	N/A
(e) to encourage sustainable agriculture, including sustainable aquaculture,	N/A
(f) re: State on oyster aquaculture,	N/A
(g) re: aquaculture	N/A

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala Habitat Protection 2020

Part 3.2 Development control of Koala Habitats

Leeton is identified as being land to which State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 applies.

Most of the land around the development is cleared. The proposal does not include removal of significant vegetation or removal of trees and habitats that have potential for Koala Habitats.

Therefore, not further assessment of SEPP (Biodiversity and Conservation) 2021 is required.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 Contamination and remediation to be considered in determining development application

Leeton is identified as being land to which State Environmental Planning Policy (Resilience and Hazards) 2021 applies.

The subject site is not identified as contaminated land and does not require remediation.

No further assessment is required.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal is located in an RU1 Zone and does not involve erection of a *building* as defined by the Building Code of Australia, and as such these Standards do not apply, and no further assessment is required.

NSW Large-Scale Solar Energy Guidelines

Although there are no statutory requirements for assessment in relation to the NSW Large-Scale Solar Energy Guideline, the Guideline encourages Applicants and the Approval Authority to consider the detail of the Guideline, appropriate to the scale of the development.

Furthermore, these Guidelines are currently the only 'tool' available to designers, developers, and authorities which specifically addresses solar farm development, providing guidance for suitable site selection, community consultation, and design criteria relevant to provision of solar generating facilities (solar).

Accordingly, the details of the development was assessed in relation to the Guidelines as summarised below:

- **Objectives**

The site does not avoid or reduce the likelihood and extent of land use conflicts and environmental and social impacts, as detailed elsewhere in this report.

- **Renewable energy zones**

The site is not located in an REZ and as such does not comply with strategic site selection principals

- **Process of site selection**

The site does not avoid development restrictions or land use conflict including in accordance with the local LEP zone.

- **Landscape and visual impacts**

The project is not sited and designed to avoid areas with topographical constraints that would increase the visibility of a development.

The baseline character of the landscape was not determined through engagement with the community.

Site selection and design process does not minimise impacts and conflicts where possible.

- **Agricultural land use**

Applicants should consider the agricultural capability of the land (including irrigation capacity) during the site selection process. In this case, alternative siting would be preferred and could be provided on other properties

- **Decommissioning and rehabilitation**

The owner or operator of a solar energy project should be responsible for decommissioning and rehabilitation, and this should be reflected in an agreement with the host landholder.

- An agreement with the host landholder has not been provided.

- A decommissioning plan has not been provided

As such the applicant defers responsibility for appropriate decommissioning to the future stakeholders to engage in preparation and execution of an appropriate Decommissioning and Rehabilitation plan.

- **Glint and Glare**

It is uncertain if the Solar panels are sited to reduce the likely impacts of glint and glare, due to site constraints and limited data provided by the applicant.

- **Cumulative impacts**

Potential cumulative impacts on the local or regional agricultural industry and associated irrigation infrastructure have not been satisfactorily considered by the Applicant.

- **Hazards**

Site selection does not avoid any land subject to identified natural hazards as the land is identified as groundwater vulnerable

- **Heat island**

30m setbacks are not provided as recommended, however given the relative scale of the development it is assumed that significant heat island effects would not be experienced at the site or on nearby locations.

- **Strategic context**

The site selection is not consistent with NSW strategic context as it is not an REZ zone,

Site selection is not consistent with Local planning context as it is a prohibited use in this Zone under the Leeton LEP

Leeton Local Environment Plan (LEP) 2014

The site is located within the RU1 Zone.

As identified in Clause 2.2 of Leeton Local Environmental Plan 2014, electrical generating facilities, including solar electricity facilities are not permitted within this zone.

However, the proposed solar electricity facility is permissible with consent in accordance with SEPP (Transport and Infrastructure) 2021.

The SEPP (T&I) 2021 does not prescribe consent requirements, and the provisions of the EP&A Act 1979 prevail, including consideration of any planning instrument.

Accordingly, the proposal has been assessed against the relevant provisions of Leeton LEP 2014, as required.

Under the Standard Instrument—Principal Local Environmental Plan, **electricity generating works** means a building or place used for the purpose of—

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

primary production is defined as: *the cultivation of land, the breeding and keeping of livestock, the harvesting of fish or other aquatic organisms, or the extraction of plant or animal products from land or water, for commercial purposes*

The following provisions of the LEP apply:

- Clause 1.2: Aims of Plan
- Clause 2.3: Zone Objectives and Land Use Table
- Clause 2.3 Subclause 1: Land Use Table
- Clause 4.3: Height of Buildings
- Clause 4.4: Floor Space Ratio
- Clause 5.21: Flood Planning
- Clause 6.1: Earthworks
- Clause 6.12: Essential Services

Clause of LEP	Comments
Clause 1.2 Aims of Plan	
(1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	N/A
(a) to encourage sustainable economic growth and development,	Complies
(b) to preserve rural land for all forms of primary production,	Does not comply , as the development does not preserve the land for primary production purposes.
(c) to identify, protect, conserve and enhance Leeton's natural assets,	Minimum effect
(d) to identify and protect Leeton's built and cultural heritage assets for future generations,	N/A
(e) to allow for the equitable provision of social services and facilities for the community,	N/A
(f) to provide housing choices for the community,	N/A
(g) to minimise land use conflicts and adverse environmental impacts,	Does not comply , the affected parts constitute a change of use which is incompatible with the existing established use.
(h) to promote ecologically sustainable development.	Complies
Clause 2.3 Zone Objectives and Land Use Tables	
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	
Clause 2.3 subclause 1 Objectives of Zone	
Objectives are as follows:	
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Does not comply The development is not consistent with this aim as it generates a loss of primary production land.
• To encourage diversity in primary industry enterprises and systems appropriate for the area	Does not comply The proposal is for a non-rural use which will not encourage diversity of primary industry enterprises or systems for the locality. However, the SoEE states that <i>the use of the land for a solar farm is diversification into an alternative land use that is considered suitable within the rural zone.</i>
• To minimise the fragmentation and alienation of resource lands.	Does not comply The proposal will fragment or alienate the

	affected parts of the land.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposal is not permissible in accordance with LEP Zone provisions and introduces non-agricultural land use into a primary production setting
To provide opportunities for intensive and extensive agriculture in appropriate locations consistent with the environmental capability of the land and access to irrigation water.	Does not comply; The environmental capability of the land is low (Class 6) however proximity to irrigation infrastructure and historical evidence suggests that the land is capable of sustaining intensive agriculture.
To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.	Does not comply; The proposal is for a non-rural use which will not encourage diversity of primary industry enterprises.
To protect and enhance the water quality of receiving watercourses and groundwater systems so as to reduce land degradation.	Capable of compliance. The Conditions are to detail requirements to appropriately manage water quality and reduce land degradation associated with the construction and ongoing use of the development.
Clause 4.3 Height of Buildings	
There are no height controls on this site	N/A
Clause 4.4 Floor Space Ratio	
There is no FSR specified on this property.	N/A
Clause 5.21 Flood Planning	
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	Minor parts of the development land are located within the identified flood planning area. See below:  <i>Figure 8; Flood Planning</i>
(2) Development consent must not be granted to development on land the consent authority considers to be within	Flooding impacts can be mitigated by locating sensitive equipment including battery storage units and control cabinets

the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	on elevated land outside the floodplain.
Clause 6.1 Earthworks	
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The development involves minor earthworks. The use of pile-driven panel mounts avoids extensive excavation and disturbance. It is understood that the panels are to be installed at natural ground levels. Should consent be granted, it is recommended that a standard condition be applied to ensure suitable measures are implemented on-site to minimise on and off-site impacts.
Clause 6.12 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 development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water,	It is noted that water supply and waste water facilities are not <i>required</i> at the development, other than during construction and decommissioning phases. Provision of essential services during construction is to be detailed via appropriate consent Conditions.

(b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	
6.4 Groundwater vulnerability	
(1) The objectives of this clause are as follows— (a) to maintain the hydrological functions of key groundwater systems, (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development. (2) This clause applies to land identified as "Groundwater vulnerable" on the <u>Groundwater Vulnerability Map</u>. (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following— (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), (b) any adverse impacts the development may have on groundwater dependent ecosystems, (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply), (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—	The site is mapped as 'Groundwater Vulnerable' (contrary to the SoEE assessment). See below:  <i>Figure 9; Groundwater vulnerable</i> Comment: The development will generally not be expected to have significant impact on hydrological functions of key groundwater systems during operations, except in the case of equipment damage or failure. Provision of erosion and groundwater protection during construction and decommissioning phases is to be detailed via appropriate consent Conditions.

the development will be managed to mitigate that impact	
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Summary Section 4.15(1)(a)(i) evaluation - The provisions of any planning instrument.

The proposal does not meet the statutory evaluation criteria of this section of the EP&A Act as follows:

- a.** SEPP (Primary Production) 2021; Part 2.1 Aims.
 - The proposal is not consistent with this aim as it will result in sterilisation of rural agricultural land.
- b.** Leeton Local Environmental Plan 2014
 - Clause 1.2 Aims of plan,
The proposal does not meet the stated Aims for this zone:
 - The proposal does not preserve rural land for all forms of primary production
 - The development does not minimise land use conflicts, due to a development type that is not consistent with existing established use of the land and the locality.
 - Clause 2.3 Objectives of Zone.
The proposal is not consistent with stated Objectives;
 - The proposal does not encourage sustainable primary production;
 - It does not encourage diversity in primary industry enterprises;
 - The proposal creates fragmentation of land use and alienation of resource land;
 - It does not provide opportunities for intensive and extensive agriculture consistent with the capability of the land and access to irrigation water

1(a)(ii) Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments to be considered in this assessment.

S4.15 (1)(a)(iii) - Any Development Control Plan

The proposal has been assessed in accordance with the relevant provisions of Leeton Comprehensive development Control Plan 2022 (Leeton DCP).

Departures from Leeton Comprehensive Development Control Plan 2022 Standards include:

- **Part A – Application requirements**
 - The Applicant documents have not demonstrated that the development has committed sufficient resources and details to comply

with DCP Standards and Objectives, and ensure negative impacts can be adequately mitigated

While it is recognised that some associated risks can be mitigated via appropriate consent Conditions, it is the responsibility of the Applicant to provide suitable expert reporting and design documentation to demonstrate that the proposal can be provided without generating undue negative impacts and in compliance with the stated Standards and Objectives of the DCP.

Deficiencies identified include as related to

- Visual Impacts;
the Glint and Glare assessment is embedded in the SoEE and is not an independent expert report provided with sufficient detail to confirm the panels will not generate negative visual amenity impacts.
- Operational Noise
the Noise and Vibration Assessment is embedded in the SoEE and is not an independent expert report provided with sufficient detail including site studies to establish an RBL or provide projected operational noise contour mapping sufficient to confirm the development will not generate intrusive noise effects.
- Landscaping
Detail Landscape Plans and a Landscape Management Plan has not been provided sufficient to confirm that adequate landscaping screening and maintenance is to be provided.
- Carparking and vehicle access
Refer to Part J comments below.
- Construction Environmental Management Plan
The CEMP is not provided with suitably detailed information in various respect including as related to:
 - Fire and hazards
 - Decommissioning and site rehabilitation

- **Part B – Site selection and Design Guidelines**

- The proposal introduces a long-term non-agricultural use on land intended for primary production, resulting in conflict with rural zone objectives on the site and locality;
- The proposal is not consistent with site selection and design criteria as it is located on mapped Groundwater Vulnerable land;
- The scale and nature of development does not respond appropriately to site constraints and surrounding land uses as it is inconsistent with the established rural/agricultural character and introduces a non-compatible land use in the locality;
- Site selection and analysis does not adequately consider physical constraints or adjoining land uses.
 - The use is inconsistent with surrounding agricultural land use patterns.

- Due to site constraints, it is impractical to minimise visual impacts of the development and protect rural amenity.

- **Part E – rural development**

- The proposal sterilises productive agricultural land and does not adequately demonstrate minimisation of impacts on agricultural productivity or long-term land use conflict
- The proposal results in loss of agricultural land for the life of the development and alters the rural landscape character, contrary to DCP requirements to avoid fragmentation or loss of viable agricultural land and maintains rural landscape character.
- The setback from the primary boundary is not consistent with the Objectives of this part and does not meet the DCP Standard, which is *to ensure the location, design and operation of rural industries does not adversely impact on the amenity of the surrounding area.*
- Landscaping to the front and side boundary is not considered suitable to adequately screen the development in accordance with DCP Standards.

- **Part J – car parking and access**

- Site Plans are provided at a concept level only and do not provide sufficient detail to demonstrate DCP compliance, including;
 - provision of heavy vehicle manoeuvring and loading areas,
 - car parking calculations and
 - provision of parking spaces,
 - ground surface treatments,
 - car parking/ manoeuvring area stormwater provisions, or
 - pedestrian access provisions.

Any Planning Agreement– EP&A Act S4.15(1)(a) Evaluation

The development is not subject to 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

The Significant Likely Impacts of the Development – EP&A Act S4.15(1)(c) Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application including environmental impacts on both the natural and built environments, social and economic impacts in the locality.

Natural Environment Impacts

Environmental biodiversity

The site is currently cleared of native vegetation, and as such the development will not impact on native flora or fauna habitats

The Applicant has provided high-level advice regarding Agricultural Impacts and Biosecurity protocols. Should the proposal be approved, it is recommended that Conditions are provided to safeguard against potential impacts on biodiversity values.

Soil and topography

Construction and decommissioning works can potentially create sedimentation and erosion impacts from the site.

However, the proposal does not require significant alterations to the landforms or topography. Excavation is generally limited to pads and footings for battery and transformer units, and trenching of associated cabling, and as such potential effects can be effectively mitigated via appropriate CEMP and site management practices.

Site and Context

The proposed development is located near to the north-east corner of the property, with minimal setbacks to the primary frontage and side setbacks.

As the proposed development is for non-agricultural use, it will have a significant impact on the characteristics of the locality.

The development results in the effective sterilisation and fragmentation of viable agricultural land and represents a substantive departure from the established rural land use pattern within the RU1 zone.

As such, the established character of the rural locality will be impacted, which will potentially generate negative socio-economic impacts in relation to the community perceptions and the potential desirability of the locality for future development.

Stormwater

The development will create an increase in impermeable surfaces on the site, associated with the solar arrays, battery banks, and transformer units.

However, these structures are intermittent, and water runoff would be dispersed and naturally managed through ground surface filtration.

Additional groundwater and stormwater management facilities are not considered necessary during the operational phase, however additional measures to manage sedimentation and runoff are recommended at construction and decommissioning phases.

Water, and Air quality

The operation of the facility is effectively passive and does not involve mechanical activities or on-site physical intervention. As such it would not be expected to generate significant environmental impacts in relation to soil, erosion, or dust issues during its operational phase.

Impacts at Construction and Decommissioning Stages are expected to be commensurate with typical industrial development and generally can be mitigated via appropriate site management practices

Some residual risk to soil, water, and air quality exist, if any of the facilities were to fail or be damaged and not immediately rectified or repaired.

The maintenance and emergency incident management of the facility relies on remote monitoring and response. If these monitoring, maintenance, and response processes are disrupted or delayed for any reason over the lifespan of the project, there would be potential for contamination of the soil, water, and air quality.

Visual Amenity

Although some landscaping screening is proposed, it is likely that the development will generate moderate to high visual amenity impacts within the locality due to the sloping topography of the site.

The proposal includes a vegetation buffer at the development site boundaries. However, impacts on visual amenity and characteristics cannot readily be mitigated via appropriate site management or provision of Conditions, due to the prevailing topographical characteristics.

Recommendation

In order to partially mitigate these effects, it is recommended that the proposal is amended to increase the setbacks from the front and side boundaries, and that improved landscaping is provided to further screen the development.

Built Environment Impacts

Heritage

No impact - the site is not a Heritage item and does not contain any identified item of Aboriginal heritage significance.

Traffic and Transport

The SoEE has provided a Traffic Impact Assessment (Arup Australia Pty Ltd), which concludes that the existing key roads and vehicle access to the site is suitable for the development, subject to mitigation measures as detailed.

Leeton Council engineers have confirmed that the development can be carried out in a manner which will not cause undue disruption to existing roads and communities, provided that suitable upgrades and site management is implemented.

Recommendation:

The consent Conditions are to include provision of an amended Traffic Management Plan to address mitigation measures as discussed in the SoEE and supplied Traffic Management report, and to meet Leeton Shire Council Engineering guidelines.

Electro Magnetic Radiation

The supplied SoEE notes that no conclusive evidence has been identified linking adverse health outcomes with exposure to electric and magnetic fields from powerlines, inverters, or other electrical sources.

Waste

Construction stage Waste

At construction stage, the development is likely to generate various waste materials including

- Generation of packaging waste from solar panels, mounting frames, cabling, pallets and protective materials.
- Excess construction materials, off-cuts, spoil and excavated material
- Domestic and putrescible waste generated by the construction workforce.
- Additional impacts on local waste and recycling facilities from large volumes of construction waste
- Impacts related to storage, transport and disposal of the above.

Operational Phase Waste

Operation phase is likely to experience low levels of operational waste, due to limited on-site staffing. Waste may include;

- Waste from routine maintenance activities, including damaged panels, electrical components, cabling, packaging and replacement parts.
- General litter and domestic waste associated with maintenance personnel.
- Potential waste management issues associated with accidental damage to equipment or panel failures.

Decommissioning Phase Waste

Decommissioning phase is likely to experience high levels of operational waste and associated environmental risks, due to requirements for removal of equipment and rehabilitation of the site to its pre-development state.

potential significant effects include;

- Large volumes of end-of-life photovoltaic panels, mounting structures, cabling, inverters, transformers and ancillary infrastructure requiring removal and disposal or recycling.
- Risk of recyclable or hazardous materials being sent to landfill if recovery pathways are not established.
- Potential environmental impacts from stockpiling, transport and disposal of decommissioned equipment.
- Increased demand on regional waste management and recycling facilities.
- Risk of abandoned infrastructure and unmanaged waste if the operator fails or adequate decommissioning arrangements are not in place,

Waste management Recommendations:

Waste management at Construction, Operational, and Decommissioning phases is to be detailed in a Waste Management Plan and required by Consent Conditions, prior to the issue of an Occupancy certificate.

Fire and Hazards

The development involves introduction of Hazardous and/or flammable substances and materials associated with transformers, batteries, PV panels, coolants and maintenance activities. As such the development includes some risks for fire or contamination.

Construction stage fire and hazard impact risks

- Potential Grass fires caused by vehicle movements, machinery exhausts or construction activity,

- Environmental contamination risks associated with fuel, oil and chemical consumption and storage.

Operational stage fire and hazard impact risks

- Potential for leaching of hazardous materials to the environment due to faults within panels, inverters, transformers and switchgear.
- Potential for fires due to overheating or equipment failure causing ignition of surrounding vegetation.
- Thermal runaway within battery cells or modules caused by electrical faults, mechanical damage, or extreme temperatures.
- Propagation of fire between modules or units if containment measures fail.
- Toxic emissions during a fire event.
- Accumulation of grass and combustible vegetation at the unmanned site will increase bushfire risk.
- Fire and equipment failure risks are mitigated via remote monitoring of the site, which may not be reliable in various circumstances, such as operator absence, monitoring equipment failure, or operator insolvency.
- Potential for emergency responders being delayed or unable to access the site, due to communication issues associated with remote monitoring, or due to access issues related to the secured and fence development site. The SoEE states that the site gates will be locked, which may inhibit RFS ability to effectively respond to emergencies.

Decommissioning Phase fire and hazard impact risks

- Fire risk associated with dismantling electrical infrastructure and disconnecting equipment and demolition activities.
- Temporary stockpiling of panels, cabling and equipment increasing fire and hazards loading.
- Hazardous material exposure during handling, transport and disposal of damaged equipment.
- Potential contamination from accidental release of oils, chemicals or other hazardous substances during decommissioning if stockpiled or landfilled.
- Potential short-term and long-term contamination risks from unsuitable stockpiling, recycling, or disposal methods adopted by the relevant contractors.

Glint and Glare

Part 5.3 of the supplied Statement of Environmental Effects includes a high-level discussion of Glint and Glare effects. It concludes that *the proposal is expected to result in minimal to no glint and glare impacts on surrounding receptors.*

However, given that no specialist study or assessment has been provided, it is not possible to make an informed assessment about glint and glare effects of this development specifically.

Glint and Glare Recommendations:

It is recommended that Consent Conditions are provided to mitigate any potential Glint and Glare effects. This is to include strategies for monitoring effects, registering complaints, and rectifying any glint and glare effects incurred.

Noise and Vibration

Construction stage noise and vibration impacts

While some disruption to the amenity of the site and the locality are to be expected, these effects are expected to be consistent with typical industrial scale construction activities and can be reasonably mitigated via appropriate site management strategies.

Operational stage noise and vibration impacts

Part 5.4 *Noise and Vibration* of the supplied Statement of Environmental Effects includes a broad discussion of operational noise effects and concludes that *Operational noise levels are predicted to comply with project-specific noise trigger levels at all times.*

However, the applicant has not submitted a specific Noise Impact Assessment with the application package prepared by a suitably qualified acoustic consultant.

As such, it is not possible to provide a detailed evaluation of noise and vibration impacts, and Approval of the proposal will incorporate some residual risks of negative environmental effects.

The NSW EPA *Noise Policy for Industry* 2017 considers industrial noise impacts on residential receivers are considered acceptable where the background noise levels are not increased by more than 5dB(A).

Noting that the existing site is considered a quiet rural environment, and also noting that the proposal includes installation of equipment operating at up to 99dB (which is the equivalent of heavy truck traffic or a noisy nightclub), it is not clear how the SoEE has reached this conclusion.

Decommissioning stage noise and vibration impacts

As per Construction stage effects, these expected to be consistent with typical industrial scale activities and can generally be reasonably mitigated via appropriate site management strategies.

Noise and Vibration Recommendations:

Conditions of Consent can be included to require appropriate site and construction management techniques to mitigate potential impacts at Constructin Stage, and generally also at Decommissioning stage.

Regarding the operational stage, some residual risks cannot necessarily be controlled via suitable Conditions.

It is recommended that the Conditions of Consent include provisions for monitoring of the development at Operational stage, to ensure that operation of the facility will not generate intrusive or nuisance noise impacts on any nearby sensitive receiver, in accordance with NSW Noise Policy for Industry guidelines.

Decommissioning and Rehabilitation Phase – potential additional Impacts

While the Applicant has expressed a high-level commitment to appropriate and sustainable decommissioning and rehabilitation of the site, adequate details have not been provided sufficient to facilitate an assessment of likely impacts of decommissioning stage. A decommissioning plan is not provided with the Application, and would not be prepared until the lease concludes, potentially some decades in the future.

Given the timeframe involved, the availability of appropriate processes, technologies, and legislation at that time cannot be accurately predicted.

Furthermore, it is likely that the current landowner, operator, developer, and approval authority personnel will change hands several times during the operational lifespan of the project.

As such there is a genuine risk that key responsibilities, obligations, legal framework, and required management practices will not be clearly understood at decommissioning stage.

Furthermore, it is not clear that the development can be decommissioned in an environmentally sustainable and economically feasible manner. Existing opportunities for recycling solar panels, batteries and related infrastructure are limited, and it is not certain that the decommissioning can be achieved without negative environmental impacts or potential contamination effects.

The proposal therefore presents a long-term risk of environmental impacts and contamination, and potentially also economic impacts, should the operator fail to adequately meet their decommissioning and environmental rehabilitation obligations.

Decommission and rehabilitation recommendations:

Council recommends that appropriate Conditions are provided to ensure that the site is fully rehabilitated at the completion of the project's operational life, and that the requirements are detailing in a Decommissioning and Rehabilitation Management Plan, to be prepared prior to commencement of operations and updated throughout the life of the project.

Council also recommends that an appropriate financial assurance or security mechanism to ensure sufficient funds are available to undertake decommissioning and rehabilitation should the operator fail to fulfil these obligations.

Social Impacts

The proposal is likely to generate mixed social impacts. These impacts are summarised below. For further discussion, refer to the 'Public Interest' assessment provided below.

Positive impacts include;

- Social impacts associated with economic benefits, as listed under 'Economic Impacts' below.

- Transitioning towards 'net-zero' - renewable energy generation provides positive impacts by contributing to energy security.

Potential negative social impacts are summarised as;

- Erosion of public confidence associated with development which is not regarded as desirable to the community;
- Erosion of Local Council integrity, due to approval of development which contradicts Council's adopted policy;
- Undermining the established economic and social character of the area due to transitions away from established use patterns;
- Socio-economic impacts associated with negative economic impacts;
- Cumulative effects related to each of the above, due to a trend towards solar-farm development in Leeton Shire

In consideration of the above, the nett social impact of the development is likely to be negative.

Economic Impacts

The proposal is likely to generate mixed economic impacts.

Positive impacts include;

- Diversification of income streams for the landowner, who is provided with income opportunities to supplement existing agricultural and rural commercial land use;
- Short-term employment opportunities at construction and decommissioning stages;
- Contribution to the existing electricity supply grid.

Economic impacts which are neutral or negative include;

- Limited or no employment opportunities during the majority of the project lifespan, as it operates autonomously;
- Employment roles at operational phase related to monitoring and maintenance is likely to occur remotely and therefore provides no direct economic benefit to Leeton Shire;
- Conversion of agricultural lands to non-agricultural use will generate flow-on impacts on unemployment and economic prosperity in the area due to Leeton Shire's reliance on agriculture and associated industries. Refer to 'Public Interest' evaluation for further information.
- The Operator/Applicant is not based in NSW and therefore profits from the development do not directly benefit Leeton Shire
- The landowner may inadvertently become responsible for maintenance, repair, and rehabilitation costs should the developer cease to be the legally responsible operator, for any reason during the life of the project.

In consideration of the above, the nett economic impact of the development is likely to be negative.

Cumulative environmental Impacts

Applications for similar development types appears to be a trending development type in the region. Leeton Council received four similar Applications within the first

quarter of 2026. Consideration of cumulative effects of solar farm development on existing agricultural land are therefore relevant to the assessment and determination of this application

Cumulative effects of Land use conflicts

The cumulative effect of solar farm and battery developments within the LGA contributes to the progressive reduction of agricultural land and generates impact on the existing established characteristics of the locality.

Continued approval of such developments will potentially undermine the integrity of the RU1 zone and the strategic intent to retain land for primary production.

Water Security and agricultural vitality

The socio-economic wellbeing of Leeton Shire is highly dependent on access to irrigation.

Historically, development of the region is intrinsically tied to irrigation, via the establishment of the Murrumbidgee Irrigation Area. The township of Leeton was established to manage and service the NSW major works infrastructure initiative.

The ongoing association with irrigation infrastructure remains a critical feature of the region. The defining character and economic vitality of the region can be intrinsically linked to access to irrigation.

Murrumbidgee Irrigation is now operated by a privately owned company, which compounds the need to maintain water security to irrigable land in the region.

Should water supply channels become redundant due to the effects of transitioning irrigable lands to non-agricultural uses, there is a significant risk that irrigation infrastructure will also become redundant. MI may choose to discontinue irrigation services to certain areas, should the supply become economically unprofitable due to declining demands.

As such, Approval of non-agricultural land use in the RU1 zone can potentially contribute to cumulative effects which threaten water security to some properties, and ultimately for the region in general.

Socio-Economic cumulative effects

While each of the individual effects discussed above can be regarded as relatively minor in comparison to the combined scale of all agricultural land in the entire LGA, each of these effects is progressively compounded by incremental Approval of each individual development proposal.

Approval of solar farm development on sites which are unsuitable for the type of development will create a precedent for further non-agricultural development. Each of the individual effects discussed above would also be compounded exponentially by ongoing incremental approval of solar farm and battery developments within the LGA.

Approvals contribute to the progressive reduction of land available for agricultural production and risks undermining the integrity of the RU1 zone by normalising non-agricultural uses on rural land.

SUMMARY Section 4.15 (1)(b) evaluation - Likely impacts of the development

Potential impacts which cannot readily be mitigate via appropriate Conditions and which retain residual or tangible risks include:

- Impacts to the **natural environment** include on Visual Amenity, Soil, Water, and Air quality, and to Site Context matters at operational and decommissioning phases.
- Impacts to the **built environment** include Noise and Vibration, Glint and Glare, fire risk, and hazards risks at operational and decommissioning phases.
- **Social Impacts** are associated with potential erosion of public confidence and weakening of Local Council's perceived integrity to control undesirable development.
- **Economic Impacts** may be related to long-term employment impacts, and flow-on effects related to loss of agricultural capacity.
- **Cumulative Impacts** may be experienced on the site and in the region, where additional impacts are created by progressive non-agricultural development on agricultural land, including compounding socio-economic effects, land use conflicts, and water security risks.

Section 4.15(1)(c) – Suitability of the Site

Site Context and Surrounding Development

The site is located within an established rural area predominately used for ongoing agricultural production, with interspersed rural style dwellings.

The proposal introduces land use conflict by displacing farming activity and inserting utility-scale infrastructure into a rural landscape.

Physical site characteristics

The site is of sufficient size and configuration which is physically capable of accommodating the development, without requiring significant alterations to the existing topography

However, due to the sloping topography, visual impacts of the development will be accentuated for receivers located at the primary street frontage, and at the nearest residential sensitive receiver, located at 243 Mackellar Road.

Regarding site selection, sloping sites are discouraged for solar farm development due to potential to generate negative impacts on visual amenity, and in this regard the site is not suitable.

Infrastructure and Servicing

The site is suitable in regard to infrastructure and servicing.

Proximity to existing electricity infrastructure supports economic development of the site, and operational feasibility.

The ongoing operation of the facility does not require additional infrastructure such as water and sewer.

It is noted that the site is serviced by existing irrigation. This infrastructure will be rendered redundant by the non-agricultural development and in this regard the site is unsuitable for the development.

Access, Traffic and Parking

Suitable access can be achieved, and traffic impacts are acceptable subject to conditions.

Construction phase activities are likely to generate short-term inconvenience for neighbouring properties, including noise, dust, and access impacts.

Strategic Context

The property not located within NSW Government Renewable Energy Zones (REZs), which have been specifically established to support a transition to renewable energy. As such, the site selection does not meet the identified strategic context or broader strategic objectives for this type of development within a state-based framework.

Decommissioning and Long-Term Site Suitability

The nature of proposal relies on decommissioning and rehabilitation after the conclusion of the Lease period, to restore agricultural use. The long-term suitability of the site is therefore contingent on future actions rather than assured outcomes, and as such the long-term suitability of the site cannot readily be assured at this time.

SUMMARY Section 4.15 (1)(c) evaluation – Suitability of the Site

While the specific development is not impractical or unachievable on the site, it is noted that installation of electricity generating infrastructure could be achieved on various alternative locations, that would not generate equivalent impacts land use conflicts.

The site is not considered suitable for the development due to;

- conflicts with the local rural planning frameworks,
- inappropriate strategic context in relation to State-based renewable energy strategic frameworks.
- inappropriate use of viable agricultural land,
- site topography does not readily enable mitigation of impacts to visual amenity and local character
- risk of redundancy of publicly created irrigation infrastructure,

Submissions

Public Exhibition

In accordance with the *Leeton Council Community Engagement Strategy 2025 – 2029 (Incorporating Land Use Community Participation Plan)* May 2025, the application was placed on Neighbor Notification for a period of 14 days, ending 04/03/2026 during which time neighbours were notified of the proposed development.

Additionally, the proposal was placed on public exhibition for a period of 28 days. The public exhibition included notification in The Irrigator newspaper (on two occasions), a Facebook notice, and provision of publicly available Application documents at Leeton Council offices and on the Leeton Council website. The public exhibition concluded on Saturday the 11th April.

The following Objections were received:

Objection 1.

Author: Neighbouring Landowner (Details supplied; the author has requested that their personal information should not be published).

Date Received: 9 April 2026, letter hand delivered.

Objection 2.

Author: Jason Haines, McGrath Estate Agents.

Date Received: 16th March 2026, via email

Objection 3

Author: Farrell Goode Pty Ltd

Date Received: 11 March 2026 via email

Objection 4

Author: Farrell Goode Pty Ltd (second unique submission by the same author as Objection 3).

Date Received: 9 April 2026 via email

Objection 5.

Author: Agostino Galuzzo

Address: 1097 Irrigations Way, Cudgel.

Date Received: 10 April 2026 by mail

Summary of Objections

Objection	Comments/ details of Objections
Objection 1.	
1. Lack of consultation	The submission lists multiple neighbouring properties and claims the landowners had no prior knowledge of the proposal.

	Comment Community engagement by Council has exceeded the requirements of the <i>Leeton Council Community Engagement Strategy 2025 – 2029</i>
2. Water Contamination of Murrumbidgee Main Canal, Cudgel Canal and Underground Aquifers.	The Objection notes that the property is flood prone, and potential contamination of the water table from heavy metals (including Chromium Lead and Cadmium) would have a detrimental effect on water and food produced for human consumption. <i>'contamination of the upper aquifers is a huge concern as the top strata are very permeable'</i> The application included video and photo evidence that groundwater exiting the site can enter the Cudgel Canal. It provides an example of a comparable failed development at Jemalong in Forbes which allegedly is contaminated with liquid sodium. Comment: Regarding photovoltaic panels, research suggests that heavy-metal leaching occurs only under damage or end-of-life scenarios where panels are shattered, de-encapsulated. This highlights the importance of controlled maintenance and decommissioning practices.
3. Permanent Loss of Prime Agricultural Land.	The submission states that the property is high capacity agricultural land with access to irrigation and bore water and that <i>'the fertile soils...will be gone forever'</i>

4. Concerns regarding the reliability of the Applicant.	<i>'Green Gold Energy have no proven record of replacing or renewing solar panels....No proof of successfully rehabilitating decommissioned sites.</i> <i>I ask if GGE could commit to a trust fund (10 million perhaps?)'</i>
5. Potential Fire hazards	The submission considers that the development is a fire hazard, and questions if it will detrimentally affect ability for the RFS to contain fires in the area.
6. Dust	The submission is primarily concerned with dust generated on the site generated by existing land use activities which are not directly related to the solar farm proposal.
7. Loss of potential real estate	<i>'The solar factory will obviously kill off ideas of potential housing development'</i> (on adjoining sites).
8. Devaluing surrounding properties.	Land use conflicts and visual impacts will detrimentally impact on the desirability of the locality
9. Negative environmental Impacts	The submission alleges that the land is contaminated by existing uses and that development should not be permitted without further investigation, stating that the current land owner has <i>'already shown a complete disregard for sustaining a healthy environment as clearly shown through management practices'</i> .
10. Construction traffic.	The submission considers that Mackellar Road is frequently used by heavy vehicles including JHS Abattoir traffic, and alleges that access to the property cannot safely be provided as the vehicle entrance to the site is in proximity to a bend in the road that inhibits visibility.
11. Expansion of solar factory	<i>'The prospective construction of a solar factory is already concerning, but if expanded in future it will be within metres of the Cudgel Canal'</i>
12. Division in the community	<i>'The costs far outweigh the benefits for LSC</i>

	<i>local constituents'</i>
Objection 2.	
Impact on property values.	The document asserts that the proposed development is likely to generate negative impact on real estate values and desirability of rural and lifestyle properties in the area, due to incompatible development types.
Objection 3.	
1. Uncertainty in relation to decommissioning and rehabilitation of the site	<i>The Development Application does not appear to provide sufficient certainty as to the end of life management of the solar farm, including associated infrastructure, battery components, cabling, footings, hard stand areas and contaminated material.</i>
2. Visual amenity and neighbourhood character	<i>impacts include an industrialisation of a rural outlook, visual intrusion arising from extensive panel rows, security fencing, lighting, substations, battery enclosures and associated infrastructure, and a broader reduction in the rural character and quiet enjoyment of agricultural land.</i>
3. Risks associated with battery leakage	<i>To the extent that the proposal includes and may later include in respect of battery energy storage infrastructure, our clients have serious concerns regarding the risk of leakage, fire related run off and chemical contamination affecting both the subject land and adjoining properties.</i>
4. Insufficient sewerage and water availability for emergency response, fire suppression, and ongoing site management	<i>the proposed development does not appear to have adequate water storage for the scale of the risk created by the project, particularly if the battery infrastructure, electrical equipment and bushfire exposure are involved.</i>
5. Inability to practically maintain an Asset protection Zone on the site	<i>If the effectiveness of the APZ depends upon regular watering, then the Development Application must demonstrate not merely that watering is proposed but it is feasible, reliable and sustainable.</i>

6. Concerns related to future expansion.	<i>Our client is concerned that the proposal may create a pathway for progressive expansion, intensification or ancillary infrastructure beyond the scale presently described.</i>
Objection 4	
1. Inaccuracies in the Statement of Environmental Effects.	This submission lists twenty-one (21) separate inaccuracies, errors, or questionable statements within the SoEE which it claims <i>'alludes to heightened fears as to the quality of the report'</i> and implies that Applicant has therefore not properly considered all potential impacts.
2. General Concerns relating to environmental effects.	The submission lists multiple environmental effects concerns including a related to: • Land use compatibility • Environmental risk • Potential for damaged panels to leak toxic heavy metals • Bushfire risk management • Water supply adequacy • Amenity impacts, especially related to traffic • Consequences on agricultural land
Objection 5	
• Environmental concerns on water quality	<i>'I am user of irrigation water supplied vis the Cudgel Channel ...What guarantee will I have that no leaching of heavy metals will enter the channel?</i> <i>I also have a shallow aquifer bore. What guarantee will I have that no leaching of heavy metals will enter the water table?'</i>
• The Application documents are not accurate.	<i>'It has many mistakes'</i>

General Objection	<i>'In short I object to the building of the solar and battery farm in its current location.'</i>
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Applicant's response:

The Applicant has provided a response to DPIE advice and formal Objections, including provision of additional and revised information. The revised documents are referred to in this Assessment Report.

SUMMARY Section 4.15 (1)(d) evaluation – submissions

Formal submissions expressed a high level of scepticism and concern regarding this development, and the provision of solar farm development on agricultural land generally. Objections highlighted broad issues including but not limited to matters related to:

- Inadequate public consultation;
- Traffic impacts;
- Land Use conflicts;
- Amenity and character impacts on the locality;
- Socio-economic impacts;
- Groundwater/ environmental contamination and hazard risks, at operational and decommissioning stages.

THE PUBLIC INTEREST – EP&A Act 1979 S4.15 (1)(e) Evaluation

It is considered that the development will provide mixed overall impacts, including some positive and some negative outcomes in reference to matters of Public Interest.

1. Beneficial to the Public Interest

Positive impacts include:

- Economic benefits via short-term construction and decommissioning stage job creation, and creation of an alternative income stream for the landowner.
- Positive or neutral environmental outcomes
via electrical energy generation utilising a renewable energy source that does not directly generate pollution or other environmental impacts during it's operation.
- Contribution to the energy network
The proposal utilises existing infrastructure efficiently without requiring additional input or upgrades, and without significant impact on public resources or utility, which in turn contributes to energy security.

2. Prejudicial to the Public Interest

2.1 Contrary to Public Sentiment

As identified by the Community Consultation process, the development is regarded by members of the community as prejudicial to the public interest.

Formal submissions, as well as significant informal commentary and consultation, indicates that there is a significant aversion to Solar Farm development on agricultural land in Leeton Shire.

2.2 Detrimental to the Integrity of Local Council

Councillors are elected by the community for the specific purpose of representing the democratically mandated interests of the public.

Regarding Solar Farm Development on existing agricultural land, Council has consistently expressed formal concerns and objections to such development.

The development proposal is contrary to Council's recently confirmed position (OCM 26/337), which formally opposes solar farm development on land that is currently under, or has the potential to be under irrigation, and which is identified as (Draft) State Significant Agricultural Land.

While this Policy carries limited Statutory weight, Approval of the proposal would be in direct contradiction of Council's formal position and therefore could undermine Council's integrity, weaken the perceived validity of official Local Government policy, and undermine the ability of Council to prevent undesirable development in the Shire.

2.3 Detrimental Socio-economic impacts

Effects of non-agricultural uses of viable agricultural land can generate negative socio-economic impacts on the broader community, as the proposed use is not consistent with the economic patterns associated with rural land in Leeton.

According to the ABS Census, the top employing industries in Leeton Shire are Manufacturing (16.6%), Agriculture, Forestry, and Fishing (11.4%), and Education and Training (11.2%). (source: Australian Bureau of Statistics (ABS) Census of Population and Housing -2019).

The agricultural industry has a significant downstream employment footprint through processing, manufacturing and export supply chains, with up to 8 value-adding jobs created for every 1 farm job in rice production. (Source: Beyond The Farm Gate: Water Availability and Impact On The Rice Economy and Regional Supply Chains- Economic Impact Analysis - REMPLAN Advisory, May 2026)

In this context, the protection of agricultural land, particularly land with irrigation capability, is a critical to the socio-economic health of Leeton Shire.

2.4 Cumulative Impacts

The cumulative effects of trend away from agricultural use towards non-agricultural uses is contrary to the Public Interest, as it has potential to generate significant cumulative effects in relation to land use conflicts, cumulative environmental risk, economic impacts, and public interest impacts.

Recent development trends indicate increasing pressure on RU1 (Primary Production) land for electricity generating works, with multiple solar and battery proposals lodged in a short period. This raises broader strategic concerns regarding cumulative impacts and precedent for non-agricultural uses on productive land.

The impacts of the proposed development are relatively minor when the Application is considered in comparison to the combined area of all available agricultural land in the LGA. However, when considered in context of the cumulative effects of all existing and proposed development of a similar nature, Approval of the proposal normalizes non-agricultural use of irrigable primary production lands and includes risk of contributing to significant detrimental impacts across the broader LGA.

SUMMARY Section 4.15 (1)(e) evaluation – the Public Interest

The proposal does not meet the statutory evaluation criteria of this section of the EP&A Act as follows:

- It does not meet community values and expectations as expressed via Submissions
- Approval of the development will undermine the integrity and perceived effectiveness of Local Council, as it contradicts official policy regarding non-agricultural development on the site;
- The development has potential to generate significant socio-economic impacts, as discussed under the 'Likely Impacts' heading
- The effects of a trend away from agricultural use has potential to generate significant cumulative effects in relation to land use conflicts, environmental risk, economic impacts, and public interest impacts.

CONCLUSION AND RECOMMENDATIONS

DA 17/2025 seeks approval for the construction and operation of a 5.83MW solar farm comprising a 9,558 panel photovoltaic array, an 11MW battery energy storage system (BESS), and associated electrical infrastructure, to be located on RU1 Primary Production land within Lot: 4 DP: 855942, at MacKellar Road CUDGEL 2705.

The development application was processed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021, and with consideration of referenced planning Instruments, Policies, and guidelines as identified in this Report.

The outcome of this assessment demonstrates that the technical and environmental impacts of the proposal are generally capable of being mitigated through appropriate land management practices.

However, as demonstrated by this Assessment Report, the proposal does not meet the relevant Statutory approval criteria as specified by the EP&A Act in several respects.

Various tangible and potential negative impacts have been identified, and it is considered that all such impacts cannot be effectively mitigated through provision of Consent Conditions.

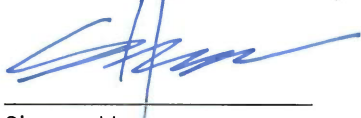
Having regard to the above, it is recommended that the Planning Panel give significant weight to the identified land use conflicts, inconsistency with planning controls, potential cumulative impacts, and uncertainty regarding long-term rehabilitation when determining the application.

These matters provide sufficient grounds to conclude that the site is not suitable for the proposed development under section 4.15(1)(c) of the Act and support refusal of the application.

Based on the above assessment of the proposal, it is recommended that the development application for Lot: 4 DP: 855942, at Mac Kellar Road CUDGEL 2705 be refused.

Assessing Officer:

I have not identified any conflicts of interest in this process.



Simon Hearn
Town Planner

01/08/26

Date:

Approved under delegated authority:



Francois Van Der Berg
Manager Planning, Building & Health

Date: 11/08/2026

SUMMARY EVALUATION – RECOMMENDED FOR REFUSAL

It is recognized that Electricity Generating Facilities are permissible with consent on this or any non-residential land, in accordance with the provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The phrase 'with consent' means that such Approval may only be granted based on a comprehensive evaluation of the proposal, and in consideration of all relevant matters as prescribed by Section 4.15 of the EP&A Act 1979.

The Act states that, in determining a development application, a consent authority is to take into consideration specific matters of relevance to the subject development.

In this case, a primary statutory non-compliance issue is related to EP&A **Section 4.15 (1)(c)** Evaluation - Suitability of the site.

The site is not suitable for this type of development due to the following;

- The site selection is not compatible with strategic framework for solar energy facilities, as it is not located in an identified REZ;
- The land use is not compatible with local planning provisions for the zone, and furthermore the intended use is not compatible with the Aims and Objectives of the LEP.
- The use of the site is not compatible with Leeton DCP Standards and Objectives for land use on properties with established agricultural characteristics
- The characteristics of the sloping site will cause the utility scale project to be visually prominent in the rural landscape, which contradicts Leeton DCP Standards and NSW Large Scale Solar Guidelines site selection principals
- The site selection contradicts Leeton Councils policy for non-agricultural development on land with high agricultural capability.

The EP&A Act also requires consideration of all applicable **planning instruments**, in accordance with **Section 4.15(1)(a)(i)** evaluation requirements. In this case, the proposal is not consistent with the provisions of SEPP (Primary Production) 2021, and Leeton Local Environmental Plan 2014.

Other statutory EP&A Act assessment considerations include **likely significant impacts** of the development, as per the EP&A Act head consideration under **Section 4.15 (1)(b)**.

Potential environmental impacts include risks associated with fire, hazardous materials, and soil and water contamination during operational and decommissioning stages.

Furthermore, the above mentioned *site suitability* and *likely significant impacts* considerations will potentially contribute to various cumulative effects, when

considered in a broader context of a trend towards non-agricultural use of irrigable farmland.

This Report also evaluates that the proposal, on balance, is not beneficial to the public interest, and therefore does not meet EP&A Act **Section 4.15 (1)(e)** evaluation criteria.

These issues are discussed in detail in this Report, which provides sufficient detail to conclude that the Application does not meet the stated evaluation criteria.

Therefore the Approval Authority is compelled to refuse approval, in accordance with the statutory evaluation and approval criteria, as prescribed by Section 4.15 of the Environmental Protection Act 1979.

PROPOSED CONDITIONS

The following Conditions are recommended, should the Panel determine that the development is to be issued with Development Approval.

DEFERRED COMMENCEMENT CONDITIONS

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:

Landscape Management Plan

1. A detailed Landscape Management Plan and Site Landscape 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 requirements:

- i. A landscaped screening buffer is to be established along the perimeter of the site, particularly adjoining sensitive receivers on the Northern site boundary and public road frontage on Mackellar 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.
- 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 the following information:

- i. Details of planting species, spacing, densities and staging of works.
- ii. Details of proposed irrigation or watering systems.
- iii. Vegetation screen plantings are to be maintained for the life of the development. The plan is to include details on any proposed maintenance procedures.
- iv. Details of measures for the ongoing control of noxious weeds within the site.
- v. Should the site also be used for the grazing by livestock for the control of weeds and long grass, the vegetation screening border is to be protected from grazing to prevent the vegetation border from being reduced.

c. Site Landscape Plan

An amended site Landscape 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:

- i. Plans detailing the provision of the above-mentioned landscape screening requirements to the site. Site Plans with contours and Section/s are to be provided sufficient to demonstrate suitable screen vegetation is provided.
- ii. Any alterations or additional details to the site layout as required to meet the Conditions of Consent or as required to meet the recommendations of any Construction Environmental Management Plan or associated sub-plan are to be incorporated into the Site Landscape Plans.

{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.}

OPERATIONAL CONDITIONS

Approved Plans

1. Approval is granted for installation of a 5.83MW solar electricity generating facility comprising a 9,558 panel photovoltaic array, an 11MW battery energy storage system (BESS), and associated electrical infrastructure and site work, to be undertaken at Lot: 4 DP: 855942, also known as Mac Kellar Road (sometimes also referred to as Mackellar Road) CUDGEL 2705.

The development is to be undertaken in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation detailed as follows except where modified in red on the stamped documents or by any of the conditions of this consent.

Document	Title	Revision/ reference	Sheet no:	Prepared by:	Dated:
01 Statement of Environmental Effects	5.83 MW Solar Farm & 11 MW BESS Lot 4, Mackellar Road, Cudgel	Ref: 31372900 Final Rev 02	1-57	ARUP Pty Limited	15 July 2026
02 Agricultural Impact Assessment	Agricultural Impact Assessment	GGE-001	1-55	Attexo Group Pty Ltd	7 July 2026

	Cudgel Solar Farm				
03 Site Plans	Cudgel Solar Farm Project 4.95MVA PV & BESS EXPORT SYSTEM	Rev D	1	GreenGold Energy	04/02/26
04 Hydraulic Assessment Report	Green Gold Energy (GGE) – Solar Farm and BESS, Cudgel, NSW Hydraulic Assessment	--	1-12	ARUP Pty Limited	14 January 2026
05 Traffic Impact Assessment	5.83 MW Solar Farm & 11 MW BESS Lot 4, Mackellar Road, Cudgel	Job number 305342-00 Final	1-17	ARUP Pty Limited	3 December 2026
06 Flora and Fauna Assessment	Fauna and Flora Assessment – Cudgel Solar Farm and BESS – Lot 4, Mackellar Road, Cudgel NSW	Lot 4 Mackellar Road, Cudgel	1-25		
07 Construction Environmental Management Plan	Construction Environmental Management Plan	File GG-CEMP-4.1 Version 2.0	1-40	Green Gold Energy	07/05/2021
12 Addendum – response to Objectors	(no title)	--	1-2	Applicant	--

{Reason: To ensure that the development is undertaken in accordance with that assessed}

Minimisation of harm to the environment

2. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

{Reason: To ensure the protection of the environment.}

Structural adequacy

3. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the National Construction Code - Building Code of Australia (current edition).

Advisory Notes:

Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

Agricultural Land Management

4. The development must be carried out in a manner that minimises impacts on agricultural land and enables the continued productive use of the land for agricultural purposes, and in accordance with the Agricultural Biosecurity Plan.

All management practices are to be consistent with the Agricultural Impact Assessment and Statement of Environmental Effects submitted with the application.

{Reason: To ensure appropriate management of agricultural land and minimise land use conflict.}

Essential Services

6. The development is to be provided with a water supply appropriate to the operation of the development and use of the site.

The development is to be provided with electricity supply appropriate to the operation of the development and use of the site.

{Reason: To ensure that the development has an appropriate water and electricity supply for the operation of the site}

Vehicle Access

7. All new access driveways shall be constructed/upgraded from the road carriageway to the property boundary as per the following;
 - vi. Have a minimum culvert width of 7.2 meters nominal and be constructed in accordance with Council's Engineering Guidelines, Construction of Rural

Type Access Specification and Standard Drawing number RS-056 with Council's Notes and Austroads Guide to Road Design Part 4.

- vii. The alignment of the access driveway across the verge shall be at right angles to the road.
- viii. The access driveway have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense.
- ix. The access driveway shall have a bitumen sealed surface from the edge of the sealed roadway to the property boundary
- x. The access driveway shall be of adequate thickness to accommodate design vehicle loading.
- xi. The access driveway shall meet Australian Standard 2890.1 for vertical clearance.
- xii. The verge adjacent to either side of the access driveway shall be reinstated to surrounding conditions and finished flush with the new vehicle access driveway.
- xiii. The developer is to provide sufficient area on site for loading and unloading of vehicles which will allow for turning paths of servicing vehicles.

Advisory Note:

The installation of the vehicle access driveway is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle access driveway is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

{Reason: to provide for a suitable vehicular access to the development in accordance with Council's minimum standards and minimize impact on pedestrian access facilities.}

Lighting

8. All outdoor lighting must be designed, installed, and operated in accordance with Australian Standard AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting.

A Compliance Certificate confirming compliance is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

{Reason: To limit the potential obtrusive effects of outdoor lighting.}

Stormwater

9. Stormwater is to be adequately managed as per the requirements of the Hydraulic Assessment Report - PAN-613370 - DA 17/2026 - Electricity generating facility (solar and wind) - MACKELLAR ROAD CUDGEL 2700 by Arup Australia Services Pty Ltd.

{Reason: to ensure storm water adequately managed and to meet Council's requirements for the development.}

ENVIRONMENTAL MANAGEMENT PLANS

Environmental Management Plan

10. A revised Construction Environmental Management Plan (CEMP) is to be submitted to and approved by the Council prior to the issue of a Construction Certificate. The CEMP is to address environmental impacts during construction, operation, and decommissioning stages of the development and is to include the following sub-plans:

- a. Traffic Management Plan;
- b. Soil and Water Management Plan;
- c. Erosion and Sediment Control Plan;
- d. Agricultural Biosecurity Plan;
- e. Waste Management Plan.
- f. Emergency Management Plan -Bushfire protection
- g. Landscape Management Plan
- h. Construction Noise Management Plan
- i. Glint and Glare Management Plan
- j. Hazardous Materials Management Plan
- k. Decommissioning and Rehabilitation Management Plan

{Reason: To ensure appropriate management of the development and minimise potential harmful environmental effects.}

Traffic Management Plan

11. The Traffic Management Plan is to be included in the Construction Environmental Management Plan and is to detail mitigation measures in accordance with the recommendations contained in the document Traffic Impact Assessment Report 5.83 MW Solar Farm & 11 MW BESS Lot 4, Mackellar Road, Cudgel (Arup Australia Pty Ltd, 3 December 2025) and is to include the following matters:

- a. Accesses shall be located and maintained so as to comply with the required Safe Intersection Sight Distance (SISD) in either direction or in accordance with the Austroads Publications as amended by the RTA supplements for the prevailing speed limit.
- b. A 'Rural' type vehicular access is to be maintained for the life of the development in accordance with Council's Specification for 'Construction of Rural Type Access'.
- c. Details of off street car parking associated with the construction/decommission phase of the development is to be provided.
- d. Sufficient area on site for loading and unloading of vehicles which will also allow for turning paths of servicing vehicles is to be provided on site.

- i. At no time shall vehicles be required to queue on Mackellar Road. Details are required prior to the issue of any Construction Certificate.
 - ii. A manoeuvring area of adequate size for the design vehicle so that ingress to the site and egress from the site is in a forward direction.
- e. All development works undertaken on public land or assets must be done so by suitably experienced contractors acceptable to Council. They must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
 - f. Any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.
 - g. All works undertaken in carrying out the development shall comply with Work Health and Safety Act 2011 and Regulations and Safe Work NSW Guidelines codes of practice as well as Safe Work Australia.
 - h. Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3 and the RMS current version of the Traffic Control at Worksites manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.

{Reason: to ensure the access remains suitable without creating adverse traffic conditions and so the Road Reserve is maintained safe with no obstructions.}

Soil and Water Management Plan

12. A Soil and Water Management Plan is to detail the management of all soil and water impacts generated by the development during its construction, operational, and decommissioning stages and is to include mitigation measures as detailed in the document known as Green Gold Energy (GGE) – Solar Farm and BESS, Cudgel, NSW Hydraulic Assessment (Arup Australia Pty Ltd, 14 January 2026). The Soil and Water Management Plan is also to detail management and mitigation measures as follows;

- a. The development is to be managed to ensure that post development drainage flow rates must not exceed pre-development flow rates.
- b. All surface drainage water is to be managed via existing drainage points into Murrumbidgee Irrigation Ltd drainage assets.
- c. Measures to control dust and maintain air quality are to be implemented during construction and decommissioning.
- d. Infrastructure (including inverter/BESS components) is to be set above the Flood Planning Level. It is required to set critical infrastructure to be a minimum of 500mm above the 1% AEP flood event.

ADVISORY NOTES

Developer is to check with Essential Energy for required freeboard before the commencement of any site work.

{Reason: To manage stormwater and flood risks, ensure development does not adversely impact adjoining land or drainage infrastructure, and to adequately protect the natural environment and neighbouring properties from adverse effects caused by stormwater impacts.}

Erosion Control Plan

13. An Erosion Control Plan is to detail the management of all potential erosion impacts generated by the development during its construction, operational, and decommissioning stages and is to include mitigation measures as recommended in the document known as Construction Environmental Management Plan (Green Gold Energy 07 May 2021) and is to detail the following matters:
- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
 - i. The depth of cut and fill may not exceed 1m.
 - ii. The slope of cut and fill battered surfaces is to be no less than 1:2 gradient
 - iii. Any imported fill materials are to be certified VENM (virgin excavated natural materials) only
 - iv. During construction, the site is to be provided with suitable soil erosion and sediment control measures in accordance Bluebook requirements.
 - b. No soil materials from the site are permitted to be tracked onto Mackellar Road by vehicles leaving the site. Should this occur measures are to be implemented to remove any dust/mud from Mackellar Road deposited by vehicles leaving the site.
 - c. The Plan is also to address the remediation through establishment of suitable vegetation of any bare ground resulting from land forming or construction activities.

{Reason: to adequately protect the natural environment and neighbouring properties from adverse effects caused by alterations to the natural topography.}

Agricultural Biosecurity Plan

14. Biosecurity measures must be implemented and maintained for the duration of the development in accordance with the Agricultural Assessment Report (Attexo Group Pty Ltd 7 July 2026), the Statement of Environmental Effects (Green Gold Energy 5.83 MW Solar Farm and Bess, Lot 4 Mackellar Road, Cudgel, Arup Australia Pty Ltd, 15 July 2026), and is to detail the following management and mitigation measures:
- a. Control and monitoring of weeds, pests and diseases;
 - b. Groundcover management practices including slashing and/or controlled livestock grazing;

- c. Management of vehicle and personnel access to prevent contamination;
- d. Ongoing monitoring and response to biosecurity risks.
- e. Soil health must be maintained and land must not be degraded through erosion, compaction or contamination,
- f. Agricultural capability of the land must be maintained for the life of the development.

{Reason: *To minimise potential biosecurity impacts on surrounding agricultural land uses.*

Waste Management Plan

- 15.** A Waste Management Plan is to be prepared to satisfaction of the Principal Certifier and is to detail the management of all solid and liquid wastes generated by the development during its construction, operational, and decommissioning stages including:
- a. Waste minimisation, reuse and recycling measures;
 - b. Classification, storage and disposal in accordance with NSW EPA requirements;
 - c. Management of construction, operational and decommissioning waste, including solar panels and infrastructure;
 - d. Use of licensed waste transport and disposal facilities;
 - e. Measures to prevent pollution and off-site impacts

{Reason: *to minimise impacts of waste and to comply NSW Environment Protection Authority (EPA) regulations, to ensure safe handling of complex and hazardous materials, and to comply with Protection of the Environment Operations Act 1997.*

Emergency Management Plan -Bushfire protection

- 16.** An Emergency Management Plan is to be submitted prior to the issue of an Occupation Certificate and is to include all recommended practices and facilities as per the Statement of Environmental Effects (Green Gold Energy 5.83 MW Solar Farm and Bess, Lot 4 Mackellar Road, Cudgel, Arup Australia Pty Ltd, 15 July 2026), and including the following matters;
- i. Establish protocols for the protection of the site and development from bush fire events including Provision of appropriate fire prevention, detection and suppression measures in accordance with industry best practice;
 - ii. Compliance with the relevant fire safety performance requirements of Volume One of the NCC 2022 for special hazard facilities;
 - iii. Details of access arrangements to all parts of the site for emergency vehicles, including perimeter and internal access tracks suitable for firefighting operations;

- iv. Plans are to detail the location and specification of hydrants, fittings, hose connections and any other associated fire-fighting equipment and facilities.
- v. The development is to be provided with a static water supply with a minimum capacity of 20,000l, dedicated to the purposes of firefighting purposes. The water supply is to be fitted with water pump and fittings to the satisfaction of the Rural Fire Service and in accordance with Planning for Bushfire Protection 2019.
- vi. Compliance with applicable Fire and Rescue NSW guidance, including but not limited to any relevant requirements of NSW Planning for Bush Fire Guidelines (NSW Rural Fire Service 2019), and the FRNSW Large-scale External Lithium-ion Battery Energy Storage Systems Technical Information sheet;
- vii. Demonstration that all fire safety infrastructure is to be maintained for the life of the development in accordance with their design and certification.

{Reason: To ensure adequate fire protection measures are provided having regard to the risks associated with large-scale solar and battery storage infrastructure, and to ensure the safety of the site, surrounding land uses and emergency responders.}

Noise and Vibration Management Plan

- 17.** A Noise and Vibration Management Plan (NVMP) is to be provided prior to the issue of a Construction Certificate and is to include the following matters;
- i. The recommendations of the NVMP must be implemented for the duration of the project at all stages, including measures to manage construction and operational noise in accordance with the Interim Construction Noise Guideline (DECC, 2009);.
 - ii. The NVMP must include procedures for monitoring, complaint management and community notification.
 - iii. Construction activities must be managed to achieve compliance with applicable Noise Management Levels at nearby residential receivers.
 - iv. Where construction activities occur in proximity to site boundaries or nearby dwellings (including areas in regular or constant use), temporary and/or movable acoustic barriers (such as mobile noise screens, hoarding or equivalent structures) must be installed and maintained to provide effective noise shielding between works and receivers.

{Reason: To minimise noise impacts during construction and ensure compliance with the NSW Noise Policy for Industry (2017), and to minimise impacts on the surrounding environment and locality.}

Glint and Glare Management Plan

- 18.** A Glint and Glare Management Plan (GGMP) is to be submitted to and approved by the Council prior to the issue of a Construction Certificate. The GGMP is to detail the implementation of management and mitigation measures and is to include the following matters;

- a. a procedure for monitoring and managing glare impacts during operation of the development including both specular and diffuse light reflection associated with the use of bifacial solar panels;
- b. a complaints management procedure for the receipt and recording of glint and glare complaints;
- c. procedures for investigating and responding to any verified glint and glare impacts identified through monitoring or complaints; and
- d. measures to manage potential impacts on activities occurring in the locality, including consultation with affected landowners or operators where required.

Where any significant glint or glare impact attributable to the development is identified, the operator must implement appropriate mitigation measures to address the impact as soon as practicable.

{Reason: To minimise glint and glare impacts associated with the development and provide for monitoring, investigation and management of any impacts that may arise during operation.}

Hazardous Materials Management Plan

- 19.** Prior to the commencement of construction, the Applicant shall prepare and submit to Council a Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person. The HMMP shall be implemented for the life of the development and shall include the following:

- a) Identification of all hazardous substances proposed to be stored, handled, transported, generated or disposed of on the site, including battery energy storage system (BESS) components, electrolytes, transformer oils, fuels, lubricants, cleaning agents and other regulated wastes;
- b) Procedures for the safe storage, handling and transport of hazardous materials in accordance with all relevant Australian Standards, SafeWork NSW requirements and the Protection of the Environment Operations Act 1997;
- c) Details of appropriate containment measures, including spill containment infrastructure and design specifications to prevent contamination of land, groundwater, surface water and drainage lines;
- d) Procedures for the inspection, maintenance and monitoring of hazardous materials storage areas and associated infrastructure;
- e) Emergency response procedures for spills, leaks, fires, explosions, thermal runaway events, equipment failure and other hazardous material incidents;
- f) Notification and reporting procedures for incidents involving hazardous materials, including notification to Council and relevant government agencies where required;
- g) Procedures for the collection, storage, classification, transport and lawful disposal of hazardous and regulated wastes generated during construction, operation, maintenance and decommissioning;

- h) Procedures for managing damaged, defective or end-of-life battery modules, solar panels, transformers and other equipment containing hazardous materials;
- i) Staff and contractor training requirements relating to hazardous materials handling, emergency response and incident reporting;
- j) Details of records to be maintained regarding hazardous materials inventories, inspections, incidents, waste tracking and disposal; and
- k) Procedures to ensure the site is left free of hazardous materials and contamination upon decommissioning of the development.

The approved Hazardous Materials Management Plan shall be maintained and reviewed at intervals not exceeding five (5) years, or following any significant incident involving hazardous materials, and updated as necessary to reflect current industry standards and operational requirements.

{Reason: To minimise the risk of pollution, contamination and hazards to public safety arising from the storage, handling, use and disposal of hazardous materials associated with the development}

Decommissioning and Rehabilitation Management Plan

- 20.** A Decommissioning and Rehabilitation Management Plan (DRMP) is to be prepared and submitted to the approval of Council prior to the issue of a Construction Certificate,

The DEMP is to detail requirements for the following;

- i. the removal from site of all equipment and associated infrastructure including but not limited to all photovoltaic panels, battery storage systems, electrical equipment, cabling, mounting structures, fencing, access infrastructure and associated ancillary works, unless otherwise approved by the Consent Authority, and the safe, lawful, and environmentally responsible disposal of all waste materials. Recycling and/or re-use of waste materials is to be prioritised wherever practicable, and
- ii. the rehabilitation of all disturbed areas on the site to their pre-development condition, and
- iii. all contaminated materials are remediated where required
- iv. the restoration of the site to a condition capable of supporting irrigated agricultural production, including reinstatement of irrigation infrastructure and access to irrigation water delivery services where such facilities existed prior to commencement of the development.
- v. Decommissioning stage traffic and site management measures are to be detailed and implemented in accordance with the associated Environmental Management Plans and in accordance with any applicable Approval Authority requirements.

{Reason: To ensure the appropriate planning, decommissioning, and rehabilitation in the event that the site permanently ceases operations}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Contributions and Fees

21. In accordance with the Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12), the applicant shall pay the following Section 7.12 monetary contribution:

- a. Amount of Contribution;
 - iv. Cost of works \$ 7,245,300.00inc. GST
 - v. Calculation: \$ 7,245,300.00x 1% (0.01)
 - vi. **Amount owing: \$72,453.00** (GST inclusive)

b. Timing and Method of Payment

The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

c. Indexing

The contributions will be adjusted in accordance with the requirements of the Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12)

Decommissioning Security Bond

22. Prior to the issue of a Construction Certificate, the Applicant shall submit to Council a Decommissioning and Site Rehabilitation Cost Estimate prepared by a suitably qualified and independent quantity surveyor. The estimate shall identify the full cost of Decommissioning and Site rehabilitation, as detailed by the Decommissioning and Rehabilitation Management Plan.

The Applicant shall provide an unconditional Bank Guarantee in favour of Leeton Shire Council for an amount equal to 100% of the approved Decommissioning and Site Rehabilitation Cost Estimate.

The Bank Guarantee shall:

- i. Remain in force for the life of the development;
- ii. Be reviewed and, where necessary, increased every five (5) years to reflect current decommissioning costs and Consumer Price Index increases;
- iii. Be capable of being called upon by Council where the development is abandoned, ceases operation for a continuous period exceeding 12 months, becomes insolvent, or where the operator fails to undertake required decommissioning and rehabilitation works.

The security shall not be released until Council is satisfied that all decommissioning, waste removal, land remediation and rehabilitation works have been completed in accordance with an approved Decommissioning and Rehabilitation Management Plan.

{Reason: To ensure sufficient funds are available to decommission the facility and rehabilitate the site should the operator fail to do so.}

Murrumbidgee Irrigation Approval

23. Murrumbidgee Irrigation (MI) approval is required for the following:

- a) Any alterations to the supply and/or drainage of irrigation water for the development.
- b) Construction or alteration of an access or road over their supply or drainage structures.
- c) Discharge of stormwater either by gravity or by pumps into their drainage system.
- d) Disposal of groundwater and seepage resulting from the development into their drainage system.

Written confirmation of approval and any scheduled works are required prior to the issue of any Construction Certificate.

{Reason: So that any changes or infrastructure works relating to the relevant authority is approved. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.}

CONSTRUCTION CERTIFICATE

- 24.** No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and/or
- b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

- 25.** Should Council be appointed as the Principal Certifying Authority, an application for Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

- 26.** Prior to the issue of any Construction Certificate a practicing structural engineers design and certification of concrete pads and footings shall be submitted to the Certifying Authority.

{Reason: To ensure the structure is certified by an appropriately qualified structural engineer and the footings are adequate for the site's soil conditions and imposed loadings.}

PRIOR TO THE COMMENCEMENT OF WORKS

S138 approval for Works in the road reserve

- 27.** A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the upgrading of access driveways for this development. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCPs are to be maintained for the full duration of works.

An application must be submitted to Council and approved prior to commencement of works. The Section 138 application is to include:

- i. Detailed construction plans, including a long section where appropriate.
- ii. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- iii. A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3 2009 and the RMS current version of the "Traffic Control at Worksites" manual.
- iv. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCPs are to be maintained for the full duration of works.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

Erosion and sediment control

- 28.** Prior to the commencement of works erosion and sediment control measures are to be established and maintained for the duration of construction works and the life of the development.

This work is to be in accordance with Landform's Soils and Construction Volume 1, Managing Urban Stormwater ("Blue Book")

NOTE: All erosion and sediment control measures shall be in place prior to earthworks commencing.

{Reason: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised.}

Site signage

- 29.** A sign is required to be erected in a prominent position on the work site on which building work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the Principal Certifying Authority for the work;
- b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out, but shall be removed when the work has been completed.

{Reason: To ensure compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

DURING WORKS

Approved Plans

30. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor and Certifier has access to the approved plans.}

Hours of Operation

31. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 7:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on Saturdays when a public holiday is adjacent to that weekend, construction industry awarded rostered days off or on Construction industry shutdown long weekends.

{Reason: To protect the amenity of the surrounding environment and to meet compliance with the Protection of the Environment Operations Act 1997.}

Construction Amenity

32. The Applicant must minimise impacts on neighbouring properties during construction by:

- a. Providing advance notification of high-impact works such as piling;
- b. Restricting high-noise activities to approved construction hours;
- c. Implementing reasonable respite periods where prolonged works occur.
- d. Noise and vibration generated by the construction works is to be managed in accordance with the Construction Noise and Vibration Management Plan

{Reason: To protect the amenity of surrounding properties and landowners.}

Sanitary Facilities

33. Temporary closet accommodation are to be provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or a temporary connection, by a licensed plumber and drainer, to Council's sewer where available.

{Reason: To ensure all workers on site have access to toilet facilities.}

Temporary Structures

34. Temporary use structures shall be placed on-site in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Division 3, Subdivision 3.

{Reason: To ensure compliance with Clause 2.112 Development Standards under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008}

Site and vehicle management

- 35.** Vehicles used in the construction of the development are to be managed such in accordance with the approved Traffic Management Plan and in accordance with the following;
- i. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCP's are to be maintained for the full duration of works.
 - ii. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act 1993.
 - iii. All vehicular movement when entering and leaving the site shall be in a forward direction to ensure that the development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.
 - iv. All activities including, loading, and unloading associated with this development are to take place within the subject development site. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting the Operations Division of Council.
 - v. Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To ensure traffic effects are minimised and to provide a safe environment for users of the development and public road reserve in the immediate vicinity.}

Development likely to affect an Electricity Transmission or Distribution Network

- 36.** In accordance with Essential Energy recommendation and requirements;
- i. A distance of 10m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure there is no safety risk.
 - a. A 10m Safety Clearance & Blowout is required from the existing 33KV overhead Network to the proposed security fencing is required.
 - b. All safety controls must be adhered to as indicated by ISSC-20 - Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure -2012.

- c. Proposed site plans are to be amended as required to meet this Condition.
- ii. An accredited ASP (Level 2 Electrician) should be engaged to ensure the Service Wire entering the property complies with AS3000 & NSW Service and Installation Rules in relation to the new site plan and development.
- iii. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.
- iv. If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;
- v. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- vi. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- vii. Prior to carrying out any works, a "Dial Before You Dig" (Before You Dig Australia) enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

{Reason: To protect occupants and infrastructure. The service wire point of attachment appears to be over part of the proposed development.}

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Access driveway

- 37.** Any access Driveway construction and surrounding works shall be completed prior to the issue of an Occupation Certificate.

{Reason: to ensure suitable vehicular access to the development is available to the new development.}

Dilapidation report

- 38.** Prior to the issue of a Construction Certificate the developer is to submit to the Certifying Authority a heavy vehicle movement plan along the road network designating which path of travel is to be used.

- a. Prework work Dilapidation Report with recommendations on planned path must be submitted to council. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.
- b. A post-Construction dilapidation report with recommendations on remedial work must be submitted to the certifying Authority.
- c. Any identified damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council prior to the issue of an Occupation Certificate.
- d. Any access Driveway construction and surrounding works shall be completed prior to the issue of an Occupation Certificate.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

Landscaping

- 39.** The provision vegetation screening plantings and associated details in accordance with the Landscape Management Plan and amended Site Plan/s are to be verified prior to the issue of an Occupation Certificate.

{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.}

Occupation Certificate

- 40.** Application for any Occupation Certificate shall be submitted through the NSW Planning Portal and approved by the Principal Certifying Authority. Operation of the facility may not commence until the Occupation Certificate has been issued.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

ONGOING WORKS – OPERATIONAL PHASE

Operation Of Plant And Equipment

- 41.** The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- a. maintained in a proper and efficient condition; and
 - b. operated in a proper and efficient manner.

{Reason: To ensure plant and equipment operates efficiently and does not cause environmental harm.}

Ongoing Management

42. The development is to be managed in accordance with the stamped Approved documents, and as per the requirements of any applicable Environmental Management Plan as identified by these Conditions, for the entire duration of the operational phase of the development and including the following;

- a) All noise mitigation measures, including any installed acoustic barriers, must be maintained for the life of the development.
- b) A complaints register must be maintained and made available to Council upon request.

{Reason: To ensure compliance with NSW Noise Policy for Industry and protect residential amenity.}

Operational Noise Compliance Report

43. An Operational Noise Compliance report prepared by a suitably qualified acoustic consultant is to be submitted to and approved by the Council. The report must:

- a. incorporate background noise monitoring prior to commencement of operation of the facility for a minimum period sufficient to establish a representative pre-development Rating Background Level (RBL) during day, evening, and night times. The Report is to identify the adopted noise levels as measured at any sensitive receiver with 1km of the development site, for each relevant time period.
- b. within 90 days of commencement of operation, the consultant is to undertake noise monitoring at any sensitive receiver referred to above at day, evening, and night times; and
- c. confirm compliance with the intrusiveness criterion during the operational phase of the development in accordance with the NSW Noise Policy for Industry (2017). for each relevant time period.

The applicant is required to provide noise attenuation measures at the subject site in the form of suitable acoustic screens in the event that:

- i. the noise generated by the development exceeds +5 dB(A) above the applicable Rating Background Level (RBL) at any sensitive receiver, when measured and assessed in accordance with the NSW Noise Policy for Industry (2017), or;
- ii. the noise generated by the development exceeds 40 dB(A) LAeq,15min at any residential receiver between 10pm and 7am, when measured and assessed in accordance with the NSW Noise Policy for Industry (2017); or
- iii. any complaint regarding noise generated by the development is received by Council from occupants residing at a sensitive receiver at any time during operation.

Advisory Notes:

- 1. 'Sensitive receivers' are defined as any existing dwelling located within 1km of the development site.

2. *Should acoustic screens be required as a result of the findings of the Operational Noise Compliance report, further reporting will be required to confirm that the installation of such screens has effectively mitigated any identified intrusive noise effects.*

{Reason: *To comply with NSW Noise Policy for Industry (2017) and to prevent residential properties from being adversely affected by intrusive noise effects resulting from the operation of the facility}*

Protection of Irrigation Water Entitlements and Infrastructure

44. Throughout the life of the development, any irrigation water access entitlement, water delivery entitlement, or equivalent irrigation entitlement associated with the subject land at the date of this consent must not be surrendered, cancelled, relinquished, terminated, or otherwise permanently lost as a consequence of the development.

Existing irrigation supply, delivery and drainage infrastructure servicing the subject land, including channels, pipelines, outlets, drainage works and associated infrastructure on the site, must be retained and protected unless otherwise approved by the Consent Authority.

{Reason: *To preserve the long-term irrigated agricultural capability and productivity of the land and to ensure the development does not result in the permanent loss of water entitlements, irrigation infrastructure or irrigation potential.}*

DECOMMISSIONING

45. All decommissioning and rehabilitation works must be undertaken in accordance with the approved DRMP and must be completed to the satisfaction of the Council within 6 months of the development permanently ceasing operations.

Advisory Note

For the purposes of this condition, a development is considered to have permanently ceased operations where:

- the operator notifies the Council that electricity generation and distribution on the site has ceased and will not recommence; or
- the development has not generated and/or distributed electricity for a continuous period of 3 months; or
- the development has been abandoned, becomes obsolete, or can no longer operate for its approved purpose due to insolvency, loss of required approvals, physical damage or failure of critical infrastructure, withdrawal of grid connection, or any other circumstance that prevents the recommencement of electricity generation and distribution.
- in any other circumstances where the Council considers that the development has permanently ceased operations.

{Reason: *To ensure the appropriate planning, decommissioning, and rehabilitation in the event that the site permanently ceases operations}*

