



Benjamin Faulks & Johnny Roso v Independent Planning Commission (Land and Environment Court proceedings 2024/373311)

Wednesday 6 November 2024

A Class 1 merits appeal has been filed in the Land and Environment Court against the Independent Planning Commission's 11 September 2024 grant of development consent to the Wallaroo Solar Farm Project (SSD 9261283). See the Commission's website at <https://www.ipcn.nsw.gov.au/cases/2024/06/wallaroo-solar-farm> for documents relating to the development consent.

The Wallaroo Solar Farm Project involves the development of a 100-megawatt solar farm and 45 MW / 90 MW-hour battery energy storage system, located approximately one kilometre south of Wallaroo and adjacent to the border between New South Wales and the Australian Capital Territory.

This appeal has been commenced by two objectors to the Project, Mr Benjamin Faulks and Mr Johnny Roso.

On appeal, the Court exercises the functions and discretions of the consent authority. Prior to listing the appeal for hearing, the Court generally requires that the parties participate in a conciliation conference to see if they can resolve, or narrow, the issues in the appeal (see the Commission's [Section 34 Conciliation Conference Policy](#) for more detail).

Status of the proceedings

The Court has listed this appeal for a section 34 conciliation conference commencing at the site of the Project at 9.30am on 13 December 2024 and then moving to a venue still to be confirmed.

There will be a public part of the conciliation conference where the public may attend and a number of objectors have an opportunity to make verbal submissions. After the conclusion of any verbal submissions, the parties to the proceedings have confidential conciliation discussions facilitated by a Commissioner of the Court. Participation in those discussions is limited to the parties and their representatives.

Options for public involvement

Members of the public have the following options of involvement in the appeal:

1. Attend the public part of the conciliation conference and/or attend the hearing as an observer. There is no need to notify us if you wish to attend as an observer.
2. Make an oral submission at the conciliation conference and/or the hearing. See further steps you may wish to take below.
3. May seek to apply to the Court to seek to be joined as a party to the appeal. See below.

In addition, if the Court seeks to review submissions (including objections) already made in

respect of the application before its determination, the Commission will make all of those submissions available to the Court.

Making a submission at the conciliation conference

If you wish to make a submission at the conciliation conference, please send an expression of interest, including the following information:

- Your contact details (email, phone number, home address).
- Whether you represent any other person or group.
- A copy of the objection you made regarding the application.

Please send your expression of interest by email to melissa.ta@dpie.nsw.gov.au with "Wallaroo Solar Farm Appeal" in the subject heading by **29 November 2024**.

We will inform the Court of these expressions of interest. We will contact those who make an expression of interest after that date to confirm arrangements, noting that typically the Court limits the number of objectors giving submissions at the conciliation conference to six people.

Applying to join the proceedings as a party

It is recommended that you obtain your own independent legal advice if you are considering applying to join the proceedings as a party.

Updates

Updates and further information about the appeal will be placed on the Commission's website at the following address:

<https://www.ipcn.nsw.gov.au/cases/2024/06/wallaroo-solar-farm>

If you do not wish to receive any further correspondence in this matter, please advise us in writing at ipcn@ipcn.nsw.gov.au