

DATE OF DETERMINATION	19 February 2026
DATE OF PANEL DECISION	19 February 2026
DATE OF PANEL MEETING	17 February 2026
PANEL MEMBERS	Dianne Leeson, (Chair) Stephen Gow, Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	Councillors Tiffany Galvin and Rachel Sherman declared a perceived conflict of duties as they are Councillors and Council is the landowner

Papers circulated electronically on 3 February 2026.

MATTER DETERMINED

PPSNTH-459 – Gwydir – DA 2025/23 – 200 Warialda Road Warialda 2402 – Construction of a 5-megawatt alternating current Solar Farm and approximately 11-megawatt hour battery energy storage system (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the amended Council Assessment Report (Rev D). The assessment report was prepared by an independent planning consultant on behalf of Council, given a potential conflict of interest as the landowner.

CONDITIONS

The Development Application was approved subject to the conditions in the amended Council Assessment Report (Rev D) with the following amendments.

- Insert new Condition 5, which reads as follows and renumber the remaining conditions accordingly:

5. Consent Operation

Development consent is granted for the operation of a 5-megawatt alternating current Solar Farm and approximately 11-megawatt hour battery energy storage system until the 30 September 2052, being the lease period for the site.

Reason: To ensure compliance with lease agreement.

- Insert new Condition 11, which reads as follows and renumber the remaining conditions accordingly:

11. Compliance with Australian Standard

The installation and operation of the Battery Energy Storage System (BESS) is to be in accordance with AS/NZS 5139:2019 Electrical installations – Safety of battery systems for use with power conversion equipment.

Reason: To ensure compliance with the relevant installation and operation Australian Standard.

- Insert new Condition 16, which reads as follows and renumber the remaining conditions accordingly:

16. Landscape Plan

Prior to the issue of a Construction Certificate, the applicant must prepare and submit a Landscape Plan to Gwydir Shire Council for approval.

The Landscape Plan must:

- (a) identify all existing trees and vegetation to be removed as part of the development, including a quantified schedule of the number, species and canopy spread of trees to be removed;
 - (b) provide a replacement planting schedule that offsets the removal of trees at a minimum ratio of 1:1 for each tree removed, unless otherwise agreed in writing by Gwydir Shire Council;
 - (c) demonstrate that replacement planting will comprise locally native species appropriate to the site and capable of achieving a minimum mature height of 3 metres;
 - (d) include the establishment of landscape buffer planting along the western boundary of the lease area where it does not compromise Essential Energy Infrastructure or the site Asset Protection Zone (APZ);
 - (e) show planting locations, densities, species selection, tubestock size at planting, staking and protection measures, irrigation (if required), and timing of planting;
 - (f) include a maintenance and monitoring program for a minimum period of three (3) years following planting.
- Insert new Condition 39, which reads as follows and renumber the remaining conditions accordingly:

39. Landscaping

The approved Landscape Plan must be implemented **prior to the commencement of operation** of the solar farm.
- Insert new Condition 46, which reads as follows:

46. External Lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

- Insert new Condition 47, which reads as follows and renumber the remaining conditions accordingly:

47. Landscaping

All landscape buffer and replacement planting must be retained and maintained for the life of the development.

Reason: To offset vegetation loss, maintain ecological and landscape values, and ensure effective visual screening of the development.

The Panel noted the typographical errors in following conditions:

- Now Condition 36 (former Condition 33) – part (g) to be corrected and remaining part re-lettered

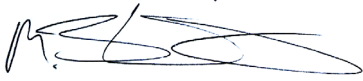
- Now Condition 43 (former Condition 39) – part (g) to be corrected as part of (f) and remaining parts re-lettered

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Contamination
- Decommissioning
- Long-term operation management
- Fire management
- Vegetation control and replacement planting

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Michael Wright
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-459 – Gwydir – DA 2025/23 (PAN-554021)
2	PROPOSED DEVELOPMENT	Construction and operation of a 5 MWAC Solar Farm and 11 MWh Battery Energy Storage System (BESS) defined as Electricity Generating Works
3	STREET ADDRESS	200 Warialda Road, Warialda
4	APPLICANT/OWNER	Fortitude Renewables Pty Ltd Gwydir Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ Biodiversity Conservation Act, 2016 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Gwydir Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 16 January 2026 and amended - Rev D • Written submissions during public exhibition: 3 (including 1 late submission) • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Applicant Briefing: 17 February 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Applicant representatives</u>: Jack Morrissey, Gordon Ou ○ <u>Council assessment staff</u>: Justin Hellmuth, Kelli-Anne Gilkison, Samara Tritton and William Johnson ○ <u>Independent Planning Consultant</u>: Cliff Schmidt ○ <u>Department staff</u>: Carolyn Hunt • Final briefing to discuss Council's recommendation: 17 February 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Council assessment staff</u>: Justin Hellmuth, Kelli-Anne Gilkison, Samara Tritton and William Johnson ○ <u>Independent Planning Consultant</u>: Cliff Schmidt ○ <u>Department staff</u>: Carolyn Hunt

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the amended Council Assessment Report (Rev D)