



DATE OF DETERMINATION	17 March 2026
DATE OF PANEL DECISION	17 March 2026
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 March 2026.

MATTER DETERMINED

PPSWES-302 – Warren – DA P16-24.17 at 9438 Mitchell Highway, Cathundral NSW 2823 & Nevertire NSW 2826 – Construction of Electricity Generating Facility (Solar Farm), Battery Energy Storage System (BESS) and associated infrastructure (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 was advised at the meeting that the owner (Todd Montgomery) of one parcel of land that is subject to the proposed internal access road had not provided a written owner's authority to the proposed development, although the owner had provided verbal authority. The Applicant and Council had been in contact with the owner, and the written consent was anticipated shortly after the meeting. Subject to the receipt of landowner's consent in respect of Lot 18 [DP755303], 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 Council Assessment Report subject to receipt of the outstanding owner's consent.

CONDITIONS

The Panel adopted the recommended conditions outlined in the Council Assessment Report, with the following additional condition, which was included in a Supplementary Council Assessment Report:

31. Rural Address

Prior to works commencing on site, the applicant must obtain a Rural Address for the site from Council in accordance with the NSW Address Policy & User Manual 2024 and AS/NZS 4819:2011 Rural and Urban Addressing.

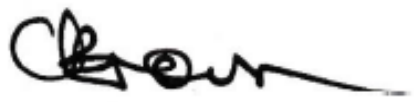
The approved rural address number must be:

- Permanently displayed at the property entrance in a clearly visible location,
- Installed on a post, gate, or other suitable structure at the driveway entry,
- Displayed using reflective materials with numerals of a size and colour that always ensures visibility from the road.

The rural address number must be maintained in good condition for the life of the development.

Condition reason: It is in the public interest that the property be easily identifiable.

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-302 – Warren – DA P16-24.17
2	PROPOSED DEVELOPMENT	Construction of a 5MW solar farm and battery energy storage system (BESS), comprising 12,000 solar panels on tracking arrays, 1 central inverter, 1 medium voltage power station, 4 battery energy storage systems and associated fencing, pole and road/intersection works.
3	STREET ADDRESS	[Lot 2 DP 1184528]; [Lot 2 DP1261542], [Lots 1 & 2 DP1285518], [Lots 4 & 15 DP755303], [Lot 26 DP820770] & [Lot 28 DP850160] 9438 Mitchell Highway, Cathundral NSW 2823
4	APPLICANT/OWNER	Applicant: Chris Smith & Associates Pty Ltd. Owner: Robert Montgomery, Anne Montgomery, Todd Montgomery
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Primary Production) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Warren Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Warren Development Control Plan 2013 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 3 March 2026 - Supplementary Council Assessment Report: 10 March 2026 - Council Briefing Report: 10 July 2025
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Preliminary Briefing: 26 August 2025 <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate <u>Council assessment staff</u>: Maryanne Stephens <u>Applicant representatives</u>: Duncan Lewis, Stuart Redman, Elton Zhang <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy, Lisa Foley - Final briefing to discuss Council's recommendation: 10 March 2026 <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate <u>Council assessment staff</u>: Melissa Ward (Consultant town planner) <u>Applicant representatives</u>: Duncan Lewis, Elton Zhang <u>Department staff</u>: Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Initially uploaded to the Planning Portal by Council on 10 July 2025, then amended by Council and included within the Council Assessment Report as uploaded by Council to the Planning Portal on 3 March 2026. The draft conditions were further revised by Council following the briefing held on 10 March 2026 and uploaded to the Portal as an attachment to a Supplementary Council Assessment Report by Council on 10 March 2026.
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