



## CONDITIONS ADVICE MEETING

This meeting is to support the Commission Panel obtaining advice from the Department of Planning, Housing and Infrastructure on the workability, enforceability and any unintended consequences of conditions that, should the Panel decide to grant consent, the Panel for this case would consider imposing. Discussion at this meeting is informed by the Commission's request for the Department's advice on conditions under consideration.

**Case:** Wallaroo Solar Farm (SSD-9261283)  
**Date** Tuesday 27<sup>th</sup> August 2024  
**Time:** 9:00am – 10:00am  
**Meeting Location:** Zoom videoconference

## ATTENDEES

<b>Commissioners:</b>	Andrew Mills Bronwyn Evans AM Richard Pearson	Panel Chair
<b>Office of the IPC:</b>	Steve Barry James Innes Brad James Tahlia Hutchinson	Planning Director Legal Director Principal Case Manager Senior Planning Officer
<b>Department of Planning, Housing &amp; Infrastructure:</b>	Iwan Davies Nestor Tsambos Cameron Ashe	Director, Energy Assessments Principal Planning Officer Environmental Assessment Officer

## MEETING MINUTES

- Discussed conditions of consent including:
  - Feedback from ACT Government and how to incorporate into conditions of consent;
  - Road upgrade works and traffic conditions;
  - Additional screening measures their implementation;
  - Various other minor changes to proposed conditions.
- At the request of the IPC, DPHI to seek further information from applicant in relation to visual impacts and proposed screening.
- IPC to consider advice provided and advise DPHI if any further information is required.



Proposed Condition No.	Department's response to Commission's request for advice	Any further matters raised by Commission
Definitions	No comments	
A7	No comments	
B6	No comments	
B7	<ul style="list-style-type: none"><li>The Department is unable to require works or activities or undertake compliance activities outside of NSW.</li><li>Any separate approval for works within ACT can consider whether such a condition is appropriate.</li><li>Recommend deletion.</li></ul>	ACT Government specifically requested this condition.
B9	<ul style="list-style-type: none"><li>The Department recommends an approach similar to that taken for the Uungula Wind farm be implemented here. Rather than requiring avoidance of all school bus hours, recommend the following: <i>minimising potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network, and avoiding the transport of material along the local bus routes when school buses are in operation in consultation with local schools;</i></li><li>If the IPC wishes to restrict heavy vehicle movements during school hours, this condition needs to be worded to achieve this wherever possible (i.e. make all reasonable endeavours to do so).</li></ul>	
B10	<ul style="list-style-type: none"><li>The Department recommends this be changed to <i>within 9 months of commencement of construction</i> to allow planting in appropriate seasons, and for consistency with Birriwa Solar Farm conditions.</li></ul>	
B15	No comment	
B22(a)	<ul style="list-style-type: none"><li>The Department recommends the following wording to ensure the desired intent is achieved.</li></ul>	



	<p>The Applicant must: (a) Limit the operation of solar panel backtracking to angles between 0 degrees and <math>\pm 5</math> degrees between the hours of 5:30am and 8:30am <b><i>in accordance with Scenario 3 set out within the Glint and Glare Assessment dated 26.3.2024</i></b></p>	
<b>B24</b>	<ul style="list-style-type: none"><li>As part of the existing conditions, the Applicant is already required to provide both a <u>final layout plan, works as executed plans and a Fire Safety Study (FSS)</u> which provide further detail on the final configuration of the development, including the dispersed battery storage system (BESS) design.</li><li>The Department has assessed the impacts of all of the BESS options and considers that additional requirements or assessment is not required.</li><li>However, if the IPC decides to impose an additional requirement, the Department considers that it should be included within the existing final layout plan condition, rather than a new stand-alone condition – <u>and it should not be for the Planning Secretary's approval</u>, rather just to be submitted to the Planning Secretary.</li><li>The Department also considers that the word 'must' in (c) should be replaced with 'should, if practicable'.</li></ul>	
<b>B26</b>	No comments	
<b>B29</b>	No comment from DPHI, however applicant should comment on implications of this condition.	
<b>B30</b>	No comments	
<b>B31</b>	No comments	
<b>B34</b>	<ul style="list-style-type: none"><li>The Department has assessed the bushfire impacts of the proposal and considers that he proposed</li></ul>	ACT Government requested this condition. Consideration of requiring Applicant to comply with directions of ACT Government.

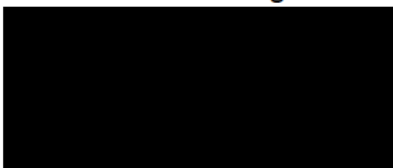


	<p>condition is in excess of the requirements of the PBP 2019.</p> <ul style="list-style-type: none"><li>• This condition was not a recommendation made by NSW RFS or FRNSW.</li><li>• It also may result in significant delays during construction for the applicant.</li><li>• The Department recommends its deletion.</li></ul>	
<b>B37</b>	No comments	
<b>B38</b>	<ul style="list-style-type: none"><li>• With the implementation of objective-based conditions and monitoring requirements, as noted in Table 3 and in accordance with the Large-Scale Solar Guideline, the Department considers that the solar farm would be suitably decommissioned at the end of the project life, or within 18 months if operations cease unexpectedly, and that the site be appropriately rehabilitated.</li><li>• Further, If an applicant or landholder fails to meet the decommissioning and rehabilitation obligations prescribed by the development consent, the Department can use its enforcement powers under the EP&amp;A Act to address any breaches of the consent conditions.</li><li>• With the above in mind, if the Commission is intent on keeping this Decommissioning and Rehabilitation Plan, the Department requests the Commission <u>removes 'to the satisfaction of the Secretary'</u>. This would add to the post approval burden on the Department for a plan that the Department does not consider is necessary.</li></ul>	
<b>C2</b>	No comments	
<b>C7</b>	No comments	
<b>C8</b>	<ul style="list-style-type: none"><li>• This proposed condition is inconsistent with other SSD and</li></ul>	Key concern in submissions was delays in construction

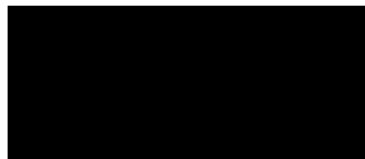


	<p>SSI energy project consents and would set a precedent across the industry.</p> <ul style="list-style-type: none"><li>• Condition C18 – Access to Information within the recommended consent requires the applicant to make information publicly available on its website, including details of the proposed staging plans for the development, management plans and compliance reports, and to keep this information up to date.</li><li>• The conditions may also have implications for the staging of the project, which the Commission should consider.</li><li>• The Department does not support this condition and considers that Condition C18 appropriately provides for the provision of information regarding the project.</li></ul>	
<b>C9</b>	No comments	
<b>C16</b>	No comments	
<b>C19</b>	No comments	
<b>Appendix 1</b>	No comments	
<b>Appendix 8</b>	No comments	

The above meeting minutes have been endorsed by:



**Andrew Mills**  
Panel Chair  
Date: 11/09/2024



**Iwan Davies**  
Director, Energy Assessments  
Date: 11/09/2024