



CONDITIONS ADVICE MEETING

This meeting is to support the Independent Planning Commission (Commission) Panel obtaining advice from the Department of Planning, Housing and Infrastructure (Department) 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, dated 13 September 2024.

Case: Middlebrook Solar Farm (SSD-10455)
Date Friday 18 October 2024
Time: 2:00pm – 3:15pm
Meeting Location: Videoconference

ATTENDEES

Commissioners:	Richard Pearson Dr Bronwyn Evans AM Dr Sheridan Coakes	Panel Chair
Office of the IPC:	Brad James Kendall Clydsdale	Principal Case Manager Principal Case Manager
Department of Planning, Housing & Infrastructure:	Iwan Davies Samantha Oyston Megan Ramsdale	Director, Solar & Battery Assessments Senior Assessment Officer Planning Officer

MEETING MINUTES

- General introductions
- Discussion of conditions of consent as per Table 1
- Department to provide written response to Commission's request
- Commission to consider advice provided and advise the Department if any further information is required.



Table 1 – Summary of discussion on Commission’s proposed condition amendments

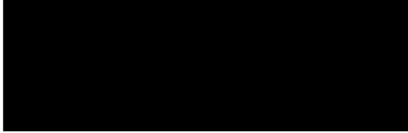
Proposed Condition No.	Department’s response to Commission’s request for advice	Any further matters raised by Commission
Compliance Matters Updated Definitions, Conditions and Appendix	<ul style="list-style-type: none"> The Department agrees that conditions will need to be updated as these broader amendments to the conditions for SSD projects were made after the Referral to the Commission. 	
A15	<ul style="list-style-type: none"> The Department does not object to this change, however notes that changes to the VPA offer will be inconsistent with the general terms of agreement summarised in Appendix 4 of the consent. 	
B3	<ul style="list-style-type: none"> The Department does not object to this change. 	
B7	<ul style="list-style-type: none"> The Department does not object to the addition of this note. The Department notes that the Applicant has committed to a level 3 bridge inspection and recommend a reference to Goonoo Goonoo Bridge is included in the condition. The Department to provide wording in its written response to the Commission. 	
B10	<ul style="list-style-type: none"> The Department generally agrees with use of the word maximise in this instance. 	<ul style="list-style-type: none"> Intent is to go a step beyond ‘encouraging’ as proposed in the recommended conditions.
B11	<ul style="list-style-type: none"> The Department recommend this condition remain as recommended. The Department notes that there are potential challenges regarding compliance. 	<ul style="list-style-type: none"> Intent to encourage as much grazing as possible. Commission to consider further.
B12 New Condition	<ul style="list-style-type: none"> The Department does not object to condition B12(a). The Department notes that B12(b) has the potential to impact/reduce the Project’s output. The Department has concerns regarding the justification for not developing on class 3 land. The Department notes the intent of mitigation measure SO6 is to inform remediation treatments and not to initiate a change in the layout of proposed infrastructure. Refer to the Department’s written advice. 	<ul style="list-style-type: none"> To reflect applicant’s commitments, community concerns raised during the public meeting and ensure the solar panels are located on the less productive agricultural land. Appreciate any response from the Department on item (b). Commission’s intent is to reaffirm applicant’s commitment. Commission will review the Applicant’s commitments.
B21	<ul style="list-style-type: none"> Refer to the Department’s written advice. 	
B22	<ul style="list-style-type: none"> The Department recommend this condition remain as recommended. The Department advised that the document itself is the commitment, rather than specific tables. 	
B23 New Condition	<ul style="list-style-type: none"> The Department advised the Commission should consider specifying that the landscaping is to be within the site An updated development layout or a landscape plan may be required. The Department recommended the Commission consult with the Applicant regarding the feasibility of implementing landscaping and any potential implications. 	
B24 New Condition	<ul style="list-style-type: none"> The Department recommend that subpoint (c) should be linked to the Guidelines to removal any subjectivity. 	



B25	<ul style="list-style-type: none"> The Department does not object to this change. 	
B27	<ul style="list-style-type: none"> Instead of changing table numbers in condition, recommended updating in Appendix 6 instead. Item (ii) should be combined with item (i). The Department to provide further comment in writing. 	
B30	<ul style="list-style-type: none"> The Department recommends that (f) should be part of a management plan and not form part of an operating condition as it could place an unnecessary restriction on firefighting activities during an emergency. 	
B38	<ul style="list-style-type: none"> The Department does not object to this change. 	
B39	<ul style="list-style-type: none"> The Department does not object to this change. 	
B40 New Condition	<ul style="list-style-type: none"> The Department will provide a written response. 	
B41	<ul style="list-style-type: none"> The Department advised that there could be unintended consequences with these changes and there is a risk this condition gives the Applicant and landowner the power to keep ancillary infrastructure. The Department recommends the removal of proposed <i>"any ancillary infrastructure to be retained with the agreement of the landholder where it facilitates the future post-operational use of the land."</i> in table 5. The Department also advised the Planning Secretary's discretion should be maintained in the condition. The Department recommend that the condition should remain as recommended to minimise excessive ground disturbance. 	<ul style="list-style-type: none"> Commission's intent is to ensure items below 500mm are not retained on site. Commission to consider returning to original condition however removal of the 500mm reference would be adopted.
C7	<ul style="list-style-type: none"> The Department does not object to this change. 	
C17	<ul style="list-style-type: none"> The Department will provide a written response. 	
APPENDIX 1	<ul style="list-style-type: none"> New plan will be required to reflect the changes to conditions. 	
APPENDIX 4	<ul style="list-style-type: none"> The Department advises that this is generally for Council and Applicant to agree noting that if the Commission removes the sealing of Middlebrook Road from the VPA, it will be contrary to the Applicant's letter of offer. If the Commission was to proceed with this change a new letter of offer would be required. Condition A15 would then need to be updated. The Department noted the annual payment to the community benefit fund is not indexed in the letter of offer to Council. 	
APPENDIX 5	<ul style="list-style-type: none"> The Department does not object to this change. 	
APPENDIX 6	<ul style="list-style-type: none"> The Department advised that that this previously recorded site was unable to be found in surveys and that Heritage NSW wanted the item moved to table 4 in the instance the applicant was unable to find the artefact. Note that table numbers will be updated as per comments above in B27 The Department has consulted further with Heritage NSW and have provided a written response based on this advice. 	



The above meeting minutes have been endorsed by:



Richard Pearson
Panel Chair
Date: 07/11/2024



Iwan Davies
Director, Solar & Battery Assessments
Date: 06/11/2024