Enquiries
Please ask for Theresa Folpp
Direct 02 6549 3700
Our reference Muswellbrook Solar Farm (Folder ID 175802)

19 September 2023

Jai Reid
Principle Planning Officer – Energy Assessments
NSW Department of Planning and Environment

Dear Mr Reid

Muswellbrook Solar Farm – Muswellbrook Shire Council Comments on Environmental Impact Statement

Reference is made to the following:

- *'Muswellbrook Solar Farm Environmental Impact Statement'* (EMM, July 2023) (EIS) and associated appendices; and
- Request to provide a submission on the EIS via the Major Projects Portal.

ESCO Solar Farm 9 Trust (the Proponent) has lodged an Environmental Impact Statement (EIS) with the Department of Planning and Environment (DPE) for the proposed Muswellbrook Solar Farm (the Project). The Project is located on Sandy Creek Road and is wholly contained within the Muswellbrook Shire Local Government Area (LGA).

The proposed Project comprises the following key infrastructure / features:

- Development of a large-scale solar farm with a generation capacity of approximately 135 megawatts (MW) or 347 GWh;
- The solar farm will comprise 300,000 solar panels, mounting structures, power conversion units, weather stations, internal access tracks and associated cabling;
- The solar farm is divided into two distinct areas, one to the north of Muswellbrook Coal Mine and one to the south. It is proposed that the northern and southern areas will be connected via approximately 3.3 kilometres (km) of overhead 33kV line that will run adjacent to the existing 330kV transmission line to the east of the existing Muswellbrook Coal Mine pit. An Electricity Transmission line will connect the Project to the grid;
- The maximum height of the solar panels is expected to be 4 metres (m) by 2.4m wide. PV modules will be installed in rows generally spaced 6.5 m apart (centre to centre);
- The rows of PV modules will be aligned in a north-south direction, allowing the panels to rotate from east to west during the day, tracking the sun's movement;
- An Operations and Maintenance Facility (O&M) will be established that includes offices, amenities, equipment sheds, storage and parking areas;
- Security fences will be installed around the perimeter of the solar farm and high voltage electrical equipment;
- Lightening protection is likely to be provided for in key locations;
- Development of a utility scale Battery Energy Storage System (BESS) with a capacity of approximately 135 MW or 270 MWh (two hours energy storage) using lithium-ion technology;
- A drainage diversion structure with flood protection bund will be required upstream of the proposed BESS;
- Total construction cost of the Project is $302 million (EIS, Section 6.14.2);

- Project construction is anticipated to commence in Q3 2024 and take approximately 28 months to complete. Construction will occur in two stages - Stage 1 for the solar farm (15 months) and Stage 2 for the BESS (13 months);
- Construction activities will be undertaken during standard daytime construction hours;
- Up to 200 employees are expected during peak construction of the solar farm (for one month) and an average construction workforce of between 20 – 80 people (18 months);
- Up to 70 employees expected during peak construction of the BESS (for two months);
- Up to nine employees during operation with an estimated local economic stimulus of up to $45.5 million in additional wages over the operational life of the project;
- The PV solar panels will operate during daylight hours, seven days per week, 365 days per year. The BESS will operate 24/7;
- The operational life of the Project is expected to be 35 years;
- Access to the site via Sandy Creek Road and Muscle Creek Road; and
- An intersection upgrade at the Sandy Creek Road access point is proposed.

Council staff have reviewed the EIS, and discussed the proposal with Councillors, and provide the following comments (matters requiring clarification, change or conditions of consent are numbered):

Construction Period

1. Clarification is required on the length of the construction period:

    a) The EIS states that the overall construction period is 31 months, while the Traffic Impact Assessment (TIA) states 28 months.
    b) For Stage 1 - The Traffic Impact Assessment states 15 months and the Accommodation and Workforce Strategy states up to 18 months.

Construction Workforce

2. Clarification is required on the number of operational employees required for the Project. Some documents state there will be nine employees whereas others state there will be six employees.

Zoning

Part of the site is zoned C3 (Environmental Management). Electricity generating works are not permitted within this zone, however the provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021, allow the proposed Project to be undertaken with consent under clause 2.36 1b, as a prescribed non-residential zone.

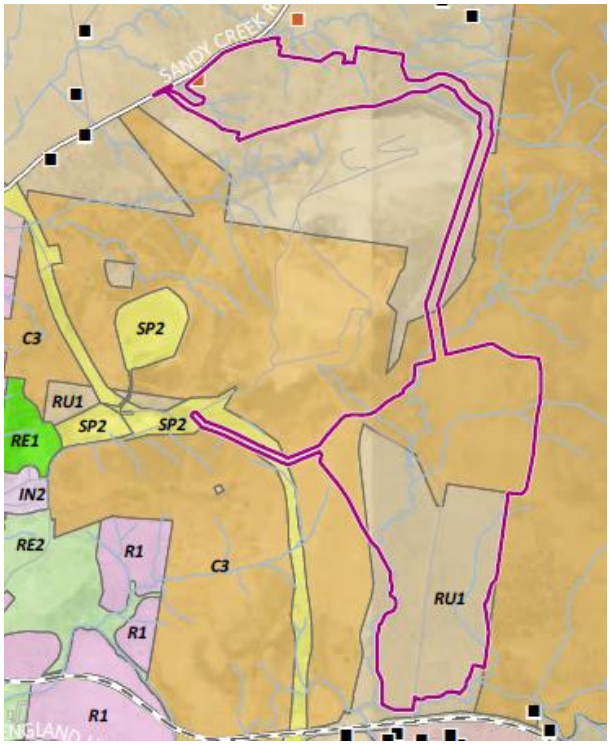


Figure 1 - Land Zoning

Planning Agreement

The EIS for the Project states the following:

> *ESCO has engaged with Muswellbrook Shire Council regarding how a community benefits fund could be administered through a Voluntary Planning Agreement (VPA). The terms of the VPA will continue to be discussed with MSC over the coming months to refine the agreement* - Section 5.4.1.
>
> *A Community Benefits Fund will be provided during the operational phase of the facility. At this stage a decision regarding the structure of the Community Benefits Fund has not been finalised. However, this is likely to involve annual payments to the Fund over the life of the solar farm (likely managed through a Voluntary Planning Agreement with Muswellbrook Shire Council). Community Benefits Fund payments can be used to support local projects and programs, which may include community, educational and environmental initiatives – Section 6.14.2*

In February 2023, ESCO provided a project update to Council staff and there was a brief discussion on a Planning Agreement (PA) however, there have been no formal agreement on the General Terms for a PA.

The General Terms of a PA for renewable energy developments within the Muswellbrook LGA are generally as follows:

- A monetary contribution calculated as CIV/100/GWh/years with adjustments for Consumer Price Index;
- Annual instalments spent in the following ratios: 15% Environmental Officers 25% local road maintenance and 60% community, environment and economic benefits;

- Targets for employment of local youth as apprentices on the site, including provisions for relevant bridging courses or training programs. This may include courses tailored for individuals transitioning into roles within renewable energy industries, such as electricians or engineers seeking to apply their skills in this sector for the first time; and
- The community, environment and economic portion of the contribution would be paid into and managed by the proposed Muswellbrook Community, Environment and Economic Development Fund.

Staff note the 'Large-scale Solar Energy Guideline' (DPE, 2022) states the "total funding for benefit sharing (including planning agreements and any other programs facilitated by the applicant) should be between $200 and $300 per MW per annum (indexed to CPI) over the life of the development".

3. At this stage, Council's s7.12 Plan applies to Project and requires a contribution of 1% of Capital Investment Value (CIV) and an appropriate condition of consent should be included in this regard.

4. Council will not accept a Community Benefit Sharing Fund managed by, say, an e-grants platform. Council has found that these are not effective in the Muswellbrook LGA for the following reasons:

    - The management of community benefit funds by private companies is not well regulated or as transparent as when councils manage the funds;
    - There are only a limited number of people in the community who are willing to participate in being on a committee to allocate PA money to community projects;
    - With seven mines, a power station and now several renewable energy projects in the Shire, this would equate to more than ten committees if we continue with separate committees for each development;
    - The administrative burden, difficulty in gaining community representation on Committees, and the potential for funds to be used ineffectively on small scale, ad hoc projects, increases; and
    - The larger community projects generally end up being funded from contributions made by several SSD projects' Planning Agreements, so the current approach of having a separate "funding" committee for each development, particularly when the same community members are on several of the committees, is a time burden on community representatives.

Social, Employment and Accommodation

<u>Construction</u>

Key points from the Accommodation and Employment Strategy have been summarised in italics below.

The Project will require the following workforce:

- *Up to 200 people during peak construction of the solar farm (for one month) and an average construction workforce of between 20 – 80 people (18 months);*
- *Up to 70 people during peak construction of the BESS (for two months) and an average construction workforce between 15 – 60 people (13 months); and*

54% or the construction workforce (i.e 108 workers) will be sourced from the local and regional area i.e Muswellbrook LGA, Singleton LGA, Scone and Aberdeen. The other 46% will be non-local hires (NHL), 87 of which will require accommodation in the local area.

A workforce breakdown by occupation and locality is shown in Table 4, reproduced below:

Table 4 Workforce breakdown by occupation and locality

	Trade/labourers		Civil engineers		Structural		Electricians		Project managers		Total
Number of workers	35%	70	15%	30	10%	20	30%	60	10%	20	200
Number of locally hired workers	80%	56	80%	24	20%	4	40%	24	0%	0	108
Number of non-locally hired workers	20%	14	20%	6	80%	16	60%	36	100%	20	92

Cumulative Impacts

An assessment of the cumulative construction labour force predicted that an estimated peak demand of 1,909 construction workers are estimated to be required in 2025 (inclusive of the peak construction workforce for the Project).

If 50% of the cumulative construction labour force were to require accommodation in Muswellbrook township, this would equate to demand for up to 955 rooms of accommodation.

However, the assessment shows there will not be enough rooms to accommodate this workforce. As a result, the Proponent is proposing to prepare an Accommodation Strategy post approval to reassess the rooms required and the available accommodation. If existing rentals/motels are insufficient, the Proponent will consider temporary camps.

Finding qualified civil engineers in the shire can be challenging due to the specialized nature of the profession and demand in the area. The shire may likely be able to accommodate the demand for labourers.

5. Council does not support the use of temporary, out-of-town camps to mitigate cumulative impacts to housing and accommodation and requests further consultation with the Proponent on this issue.

6. Any Accommodation Strategy is to include details in relation to the following:

    a) Demonstrates how accommodation demand will be managed during periods of high demand e.g during key regional events;
    b) Documents an approach to informing regional accommodation providers of project workforce accommodation demands including anticipated timing;
    c) Enables the coordinated placement of the workforce in short-term accommodation throughout the Shire;
    d) Keeps key stakeholders informed of predicted project accommodation demands with six-month lead times preferable; and

e) Contains a monitoring framework incorporating 'triggers' in decisions about additional accommodation options.

7. The following projects will also need to be considered in the Accommodation Strategy: Liddell Battery & Bayswater Ancillary project, Hunter Gas Pipeline, Upper Hunter Battery and Energy Storage System, in addition to the transient workforces for the Australian Rail Track Corporation maintenance and mining shutdown / maintenance.

8. The impact of the cumulative construction labour force on social and community services has not been assessed. It is noted that Section 6.6.4 of the SIA states that the 'access fee for energy projects in the Hunter-Central Coast REZ could be used to provide additional capacity for social infrastructure and services'.

9. The commitment from the Proponent in Section 6.3.1 of the SIA to 'partner with local organisations to implement a prison employment program for indigenous and non-indigenous men' is supported.

10. The following commitments within the SIA relating to procurement, in addition to those listed in Table C.1 of the EIS, are supported:

    a) Consultation with local businesses and the Muswellbrook Chamber of Commerce;
    b) Assist with the diversification of local businesses to service the growing renewable energy sector in the region through targeted procurement strategies;
    c) Development of a local procurement strategy including engaging with local businesses;.
    d) Encouraging the Project workforce, particularly during the construction phase, to support and contribute to the local and regional community through local spending; and.
    e) A target of X % of required goods and materials supplied by local businesses.

11. Procurement of goods should include local indigenous businesses and / or services.

12. A Procurement Strategy should be prepared in consultation with Council to assist the Proponent to fulfill its procurement-related obligations, engage with the local community, and support local businesses.

<u>Operation</u>

It is noted that the Project will require up to nine full time equivalent jobs throughout operation.

13. It is Council's policy position that a minimum of 25% of operational staff on mining a renewable energy projects be required to permanently reside in the Muswellbrook Local Government Area. At least two of the nine operational employees must reside in the Muswellbrook LGA.

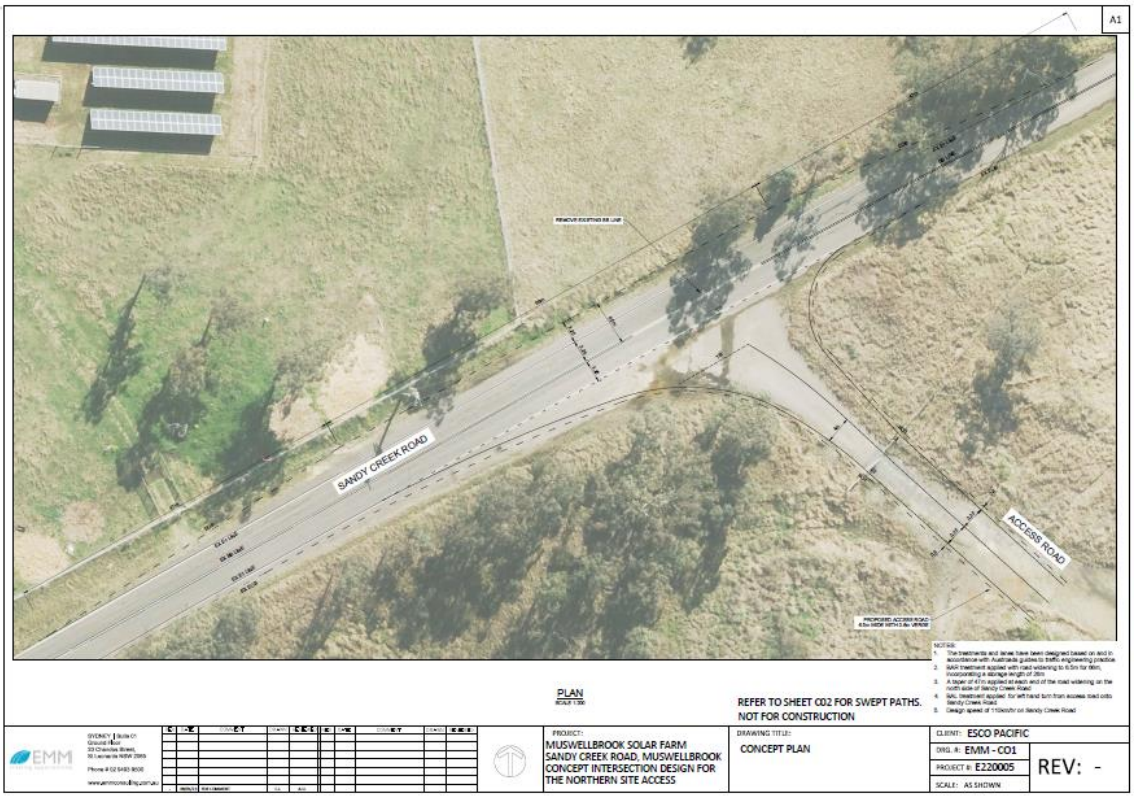
Traffic

14. No heavy vehicles are permitted on Sandy Creek Road during school bus hours.

15. There are weight restrictions on the Muscle Creek Road rail bridge so depending on the mass of the OSOM, it may or may not be approved by NHVR.

16. The proposed intersection upgrade at the Sandy Creek Road / Northern Site Access intersection which will be designed to accommodate the turning movement (swept path) of the largest vehicle, a 26 m B-double truck (see figure below) is supported. The intersection upgrade should be undertaken in accordance with AUSRoads standards.

17. The road pavement at the upgraded intersection must be assessed for its ability to support all expected loads through a geotechnical assessment.



18. There are safety concerns regarding the intersection from the New England Highway onto Sandy Creek Road, particularly for right hand turns. The existing condition of the intersection, the proposed upgrade from TfNSW (as part of the Muswellbrook Bypass), and potential delays/queuing associated with coal train movements closing the railway crossing, raises concerns about multiple vehicles, especially trucks, queuing on the Highway waiting to negotiate the turn. There is a high chance of rear end accidents occurring due to limited sight distances.

    Staff strongly recommend that the Proponent engage with TfNSW and the Australian Rail Track Corporation (ARTC) to explore potential solutions with this issue e.g. real-time monitoring of coal train movements to allow heavy vehicles to park up nearby to avoid the intersection while rail crossing is closed.

19. In consultation with Council, and to Council's written satisfaction, the Proponent must:

    a) undertake an independent dilapidation survey to assess the:
        i. Existing condition of Sandy Creek Road and Muscle Creek Road on the transport route prior to construction, upgrading or decommissioning works; and

ii. Condition of Sandy Creek Road and Muscle Creek Road on the transport route, following construction, upgrading or decommissioning works;

b) Repair Sandy Creek Road and Muscle Creek Road on the transport route if dilapidation surveys identify development related damage to the road during construction, upgrading or decommissioning works.

The dilapidation surveys will record the condition of the road pavement, drainage structures and other road related infrastructure.

20. The Proponent must repair and/or make good any development-related damage identified during:

    a) the carrying out of the relevant construction, upgrading and/or decommissioning works if it could endanger road safety, as soon as possible after the damage is identified but within 7 days at the latest; and
    b) dilapidation surveys carried out following the completion of the relevant construction, upgrading and/or decommissioning works within 2 months of the completion of the survey, unless the relevant road authority agrees otherwise

21. Post-construction dilapidation surveys must be undertaken within one month after construction, upgrading or decommissioning works.

22. The Proponent must develop a Maintenance Management Plan in respect of these roads, prepared in accordance with Transport for NSW M3 specifications for road maintenance, to the satisfaction of the relevant council.

23. Stormwater management and vegetation management within the road corridor must be addressed during detailed design of the intersection, prior to issuance of a S138 and prepared in consultation with Council.

24. Any work undertaken in a public road reserve will require the Proponent to apply for a Section 138 permit under the Roads Act 1993. Any s138 must be always adhered to.

25. The commitment that the Proponent will prepare a detailed construction Traffic Management Plan in consultation with Council prior to the commencement of works is supported. Any TMP should (at a minimum) include detail as outlined in other SSD consents in the shire, and also include:

    a) Identify the type and volume of vehicles anticipated to access the site during the carrying out of construction works.
    b) Where construction-related traffic movements overlap for multiple projects, a Construction Vehicle Movement Plan should be prepared that outlines:
        i. A timeline indicating construction periods for each project that may have overlapping construction periods;
        ii. Strategies for the coordination of construction vehicle movements to minimise traffic congestion, ensure safety and mitigate impacts on local road users;
        iii. The process for dilapidations surveys for each project and allocation of maintenance effort and cost;
        iv. Communication and notification protocols between project proponents and to the community to share information about construction schedules, traffic routes and potential disruptions; and
        v. A detailed monitoring and reporting process.

c) Anticipated paths of travel for vehicles accessing and departing the site.
d) Manage vehicles entering and exiting the site and the public using Sandy Creek Road and Muscle Creek Road. Traffic control measures along the Sandy Creek Road may be required.
e) Manage vehicles turning off the New England Hwy to cross the railway, including avoidance of queuing on the New England Hwy when the crossing is closed for train movements, as there is no sheltered right turn bay on the Hwy.

26. The statement by the Proponent that no traffic mitigation will occur during the operational phase is noted.

27. The statement by the Proponent that mitigation measures during decommissioning will be similar to those during construction but may be subject to review and updates to reflect changes to road infrastructure and condition is noted.

Mitigation Measures

28. Staff support the mitigation measures as outlined in Appendix C of the EIS.

Landscape and Visual

Key points from the Landscape Visual Impact Assessment (LVIA) have been summarised in italics below.

Views from the north are limited with only partial views of the project infrastructure.

Views from the south will likely include a larger number of project elements.

Highest visibility is identified along the south-western slope and ridgeline of Bells Mountain.

Views for motorists travelling along the public road network will be for construction activity only. As this is temporary, landscaping is not proposed.

There is a total of 176 residences within 4 km of the development footprint. Nine representative viewpoints were selected from locations near residences and main roadways near the project. No mitigation measures are proposed.

Based on the glare analysis, there is potential for glint and glare related impacts at 16 residences and along the roads and rails adjacent to the project. The worst impacted locations are along Muscle Creek Road and the railway adjacent to the project. Existing tree screening will mitigate these impacts. No mitigation measures are proposed.

The visual impacts from the Bells Mountain project will be assessed during the planning stages of that project and mitigated (if required). The cumulative impacts will also be assessed and mitigated as required. An assessment of Muswellbrook Bypass has also been completed.

29. Although the LVIA has been prepared in accordance with the Solar Guidelines, Staff are surprised that there are no proposed mitigation measures, such as screening, to address visual impact. In the interest of maintaining a positive relationship with the community, it is recommended that the Proponent remains receptive to feedback and complaints. Should any concerns arise from the community, it is recommended that

the Proponent conducts a review of impacts and, where applicable, provides suitable mitigation measures.

Biodiversity

Key points from the Biodiversity Development Assessment Report (BDAR) have been summarised in italics below.

The Development footprint covers approximately 323.5 ha.

Four Plant Community Types (PCTs) (totalling 316ha), one threatened flora species, two flora Endangered populations and eleven threatened fauna species were recorded in the Development Footprint.

The development has candidate Serious and Irreversible Impacts (SAII) values on Box Gum Woodland and Large-eared Pied-bat, however no threshold was identified.

No Koalas or signs of regular usage by Koala were recorded within the Development footprint.

The Project is a controlled action under the Environment Protection and Biodiversity Conservation Act 1999.

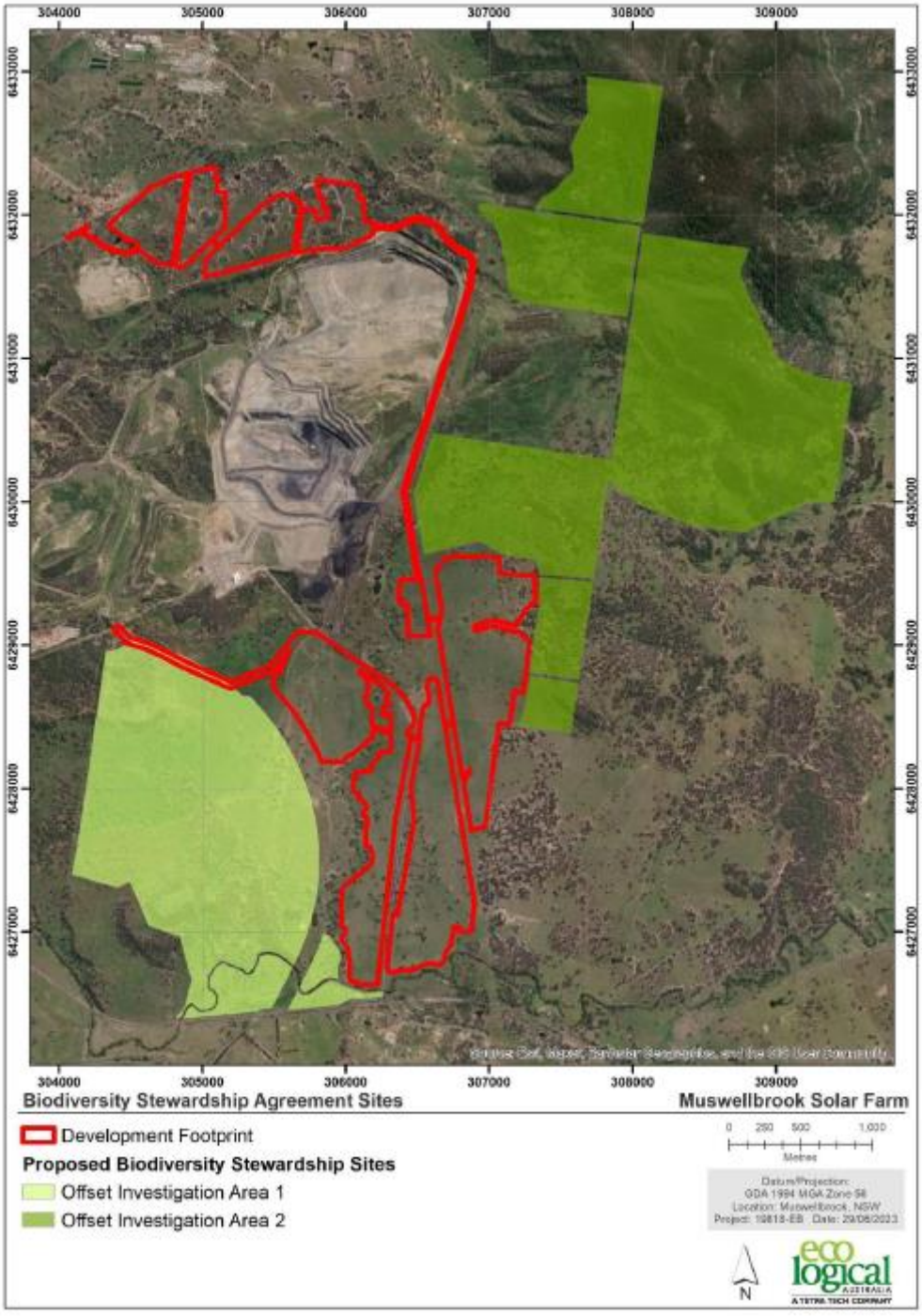
The residual impact of the proposed development will be offset, and requires 1,721 ecosystem credits and 1,767 species credits.

There are two parcels of land, adjacent to the southern portion of the Development footprint, that are currently being investigated for Biodiversity Stewardship Agreements (see figure below) to offset the residual impact of the Project.

30. Should the Proponent elect to offset the residual impact of the Project in the proposed areas shown in the Offset Investigation Areas (see figure below), it is crucial that they engage in a proactive and strategic approach to biodiversity enhancement. This should go beyond passive management techniques and encompass active measures such as targeted native vegetation planting, habitat restoration, and other conservation initiatives. The strategy should be developed in consultation with local environmental experts, Aboriginal representatives (to ensure a comprehensive species list) and authorities to ensure its effectiveness and alignment with the region's conservation goals and to avoid restricting logical urban expansion of Muswellbrook.

31. Weed removal and rehabilitation plantings along the riparian corridors on the site should be a priority. Riparian areas should be fenced off to limit access by grazing animals to enable natural regeneration and reduce bank erosion.

32. The old growth Hunter River Red Gums near Muscle Creek contain hollows and seedlings of the same species would take more than 100 years to grow to an equivalent tree of similar value. Redesign of the solar farm to avoid removal of these trees is requested.



Waste

Construction

Staff note that ESCO have not included a detailed summary of waste types, classification, proposed management methods and estimated annual quantities of waste produced during construction as these details will not be available until detailed design. ESCO have instead proposed to include this detail in a Waste Management Plan (WMP).

33. A WMP is required to be prepared in consultation with the relevant authority and Council's Waste Operations unit, and that a copy of the plan be provided to Council's

Waste Operations unit to prepare for incoming waste volumes, types and disposal methods outlined in the plan. Council would prefer a condition that states that no solar panels are to be disposed of to landfill, instead all damaged or non-functioning solar panels be recycled or rehabilitated and reused.

34. The commitment outlined in Section 6.13.3 of the EIS that "The WMP will include appropriate consultation frameworks with Muswellbrook Council, neighbouring councils and licensed waste management facilities to maintain communication and forward planning and provide a grievance mechanism through which any identified adverse impacts can be addressed" is supported.

35. Council's waste facility does not recycle tree trunks and substantial branches as they are too big handle or to compost. Ideally, they should be used on site as "stag" trees with hollows in rehabilitation areas.

36. In relation to Table 6.5 – glass, plastic bottles and paper should be separated and recycled, either at the Muswellbrook Waste Facility or otherwise.

37. In relation to high volumes of cardboard, Staff recommend that the Proponent engage directly with carrier that has a relationship with the paper recycler. There is only one paper/card recycler in Australia (VISY), who are selective of the paper and cardboard that they are willing to accept, and the market is currently saturated.

Decommissioning

Staff note Section 6.13.3 of the EIS that states "ESCO will attempt to recycle all dismantled and decommissioned infrastructure equipment, where possible."

38. Council would prefer a condition that states that no solar panels are to be disposed of to landfill, instead all damaged or non-functioning solar panels be recycled or rehabilitated and reused.

39. The commitment from the Proponent outlined in Table 6.51 of the EIS that "The waste management plan is being prepared in accordance with the Solar Guideline." Is supported. The Solar Guidelines reference the EPA's Circular Solar Fund. Staff are of the understanding that participants of the Circular Solar Fund have the capabilities to recycle solar components, and strongly encourage the Proponent to liase directly with these companies so that no solar panel goes to landfill.

Agriculture

Key points from the Agriculture Impact Statement (AIS) are provided following in italics:

> *The Project will disturb an area of approximately 481.9 ha of land that is current subject to agriculture land use.*
>
> *The impact of the Project on productivity of agricultural land based on change in land use within the Project Area is from $85,097 to $201,735 per year.*
>
> *The value to the regional economy equates to an estimated $182,494 to $432,627 per year of the Project.*

The reduction in cattle being sold will not be a significant impact on the Hunter Regional Livestock Exchange, as this reduction is estimated to represents <0.01% of all cattle sold.

The project will not impact the agricultural resources or production value of properties proximate to the Project site.

There is no Biophysical Strategic Agricultural Land (BSAL) or Critical Industry Clusters (CICs) mapped within the Project Area.

There is moderate to high potential risk for dispersion for the entire Project Area where subsoils are disturbed as a result of the Project.

The Project Area does not contain any Acid Sulfate Soils.

The Project Area contains three Land Soil Capability (LSC) classes: LSC 3 (396.1ha), LSC 5 (25.2ha) and LSC6 (60.6ha).

All soil that is proposed to be disturbed during the Project will be stripped and stored for re-use in rehabilitation efforts in order to mitigate long term effects on soil resources.

40. A post-decommissioning land use plan should be prepared a minimum of five years before the end of the approval, to determine the most appropriate mix of land uses for the site, including maintaining employment opportunities for a minimum of 9 staff. The plan should be prepared in consultation with Council, the local business community, local environmental experts and Aboriginal representatives.

41. The availability of top-soil is an issue for State Significant Developments (SSD) within the Shire. Staff are particularly keen to understand the Proponent's long-term storage plans for top-soil, aiming to ensure a reliable supply for rehabilitation works post closure.

42. Staff support the commitment contained within Section 6.4 of the AIS that the Proponent will “investigate the potential for integrating solar panel installation and agricultural use at Muswellbrook Solar Farm as a means of further mitigating the impacts to agriculture.”

43. If grazing is planned in conjunction with the Project, fencing should be established to restrict stock movement into riparian corridors.

Rehabilitation and Decommissioning

44. With multiple renewable energy projects proposed within the Shire, Staff require confidence that the decommissioning and rehabilitation of the site is undertaken using an agreed approach. A Decommissioning Plan should be prepared that includes details in relation to the following:

    a) A program for the decommissioning of all Project elements, above and any below ground infrastructure, redundant buildings and other infrastructure related to the approved development.
    b) A strategy for the rehabilitation of the site to an agreed post-decommissioning land use plan.

c) Establish a timeline for the completion of decommissioning and rehabilitation works within 12 months of the conclusion of the premises operational lifetime.

45. At the conclusion of the development's operational lifetime, decommissioning of the site should be carried out in accordance with the Decommissioning Plan. Documentary evidence should be provided to Council, from a suitably qualified persons, to confirm that the development has been successfully decommissioned and rehabilitated.

46. The commitment contained within the Rehabilitation Strategy that 'A key component will the placement of subsoil and topsoil layers at equivalent depths to that identified in Minesoils (2023)' is supported for areas proposed to be used for extensive agriculture post-decommissioning.

47. Any post decommissioning vegetation establishment should be undertaken in consultation with local environmental experts and Aboriginal representatives (to ensure relevant species are re-established).

Hazard

Staff note and support the following mitigation measure as outlined in Table 6.43 of the EIS:

> *ESCO will confirm that the BESS supplier has considered the relevant findings of the investigation reports on the Victorian Big Battery (VBB) Fire (occurred on 31 July 2021) in their design or made improvements to address the lessons learnt from the VBB incident. ESCO is to ensure that the BESS supplier's requirements on equipment clearances, installation, commissioning, operations and maintenance, and emergency response are met.*

48. The development of a Fire Safety Study as part of any development consent, for review and approval by Fire Rescue NSW is supported.

Noise

49. The recommendation contained within the Noise Impact Assessment that 'Consultation between ESCO Pacific, Firm Power and Transport for NSW should be undertaken when necessary to manage potential construction noise impacts at nearby assessment locations in accordance with the ICNG' is supported.

Water

50. Section 6.2.2 of the Water Resources Assessment states that *'PV modules will shed runoff directly to the ground, which will be stabilised and vegetated to promote retention and infiltration similar to existing conditions'*. Erosion resulting from water shedding to the ground can be difficult to predict. Regular inspections post rainfall should occur, and maintenance programmed. In areas exhibiting ongoing erosion issues, the Proponent should consider treatments including gravel, mulch or erosion control mats or blankets.

Per Section 6.2.3 of the Water Resources Assessment, the following is noted,

> *It is predicted that for a PMF event, floodwaters would inundate the PV panels… in the solar array footprint adjacent to Muscle Creek.*

Aboriginal Heritage

Key points from the Aboriginal Cultural Heritage Assessment (ACHA) are provided following in italics:

> *There are four Aboriginal sites and/or objects are within the project area. These include a potential cultural modified tree, two areas of past foci (moderate density stone artefact sites), and a general low density background scatter of artefacts across the entire project area.*
>
> *All would be potentially directly affected by the project.*
>
> *Aboriginal consultation with 18 organisations, included field survey and test excavations.*

51. While Appendix B5 shows that the ACHA was provided to the Aboriginal representatives, it is unclear whether Aboriginal representatives approved the ACHA including the proposed mitigation measures to the impacted sites.

Stakeholder Engagement

52. The commitment within the EIS that the Proponent will develop a complaints investigation and response plan is supported.

Council appreciates the opportunity to comment and staff would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Development Compliance Officer on 02 6549 3700 or email council@muswellbrook.nsw.gov.au.

Yours faithfully

Sharon Pope
Director Environment and Planning