

4 December 2024

Rita Hatem
Department of Planning, Housing and Infrastructure
Locked Bag 5022, Parramatta NSW 2124.

Dear Rita,

DPIE request for Advice –Maison Dieu Solar - SSD 48160216

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Environmental Impact Statement (EIS) for the Maison Dieu Solar Farm (SSD 48160216). Council notes that the due date for submissions was 9th October 2024.

Council notes that the due date for its submission is 9 October 2024. Given the timing of exhibition, including during school holiday period and council caretaker mode, council has not been able to complete its submission within the exhibition period. The Maison Dieu Solar Farm Project is the first State significant renewable energy project solely within the Singleton local government area.

Council has had a tight timeframe to review the documents, develop a submission, hear from the proponent, brief Councillors and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short, particularly as it coincided with the caretaker period leading into local government elections.

As such, Council provided a detailed preliminary submission on 25th November 2024. Council reserved its right to provide Councillors with adequate time for review of the staff submission. It should be noted that amendments to council's submission, including whether Council support the proposed development, or a subsequent submission, may occur because of this process.

At its general meeting on 26th November 2024, Council resolved to:

1. *Consider the draft submission on the Maison Dieu Solar Farm State significant development (SSD-48160216); and*
2. *Amends the draft submission to include the following feedback from councillors:*
 - a. *The Applicant must ensure agreement with affected landholders is in place prior to determination; and*
 - b. *Communication with adjoining owners is clear, transparent and documented in the Response to Submissions; and*
 - c. *Additional information is required to ensure a clear pathway to decommissioning of infrastructure such that it will not adversely impact landowners or adjacent properties and that this information is transparently included in any Response to Submissions; and*

- d. The Department of Planning, Housing and Infrastructure ensure appropriate conditions of consent are imposed to ensure the above is in place; and*
- 3. Delegate to the General Manager to forward the amended submission to the Department of Planning, Housing and Infrastructure.*

On that basis, the following advice is provided for consideration.

The Proposed Maison Dieu Solar Farm (the Project)

Impacts to the local road network

- The TIA indicates that the Maison Dieu Solar Farm is expected to be operational in 2026. The construction works on the Singleton Bypass have recently commenced and have a completion date of late 2026 and as such it is likely that the two projects will be underway at the same time. The construction of the Singleton Bypass will affect traffic on both the State and Local roads, at times there is likely to be significant disruption. Close engagement with TfNSW and Singleton Council must occur prior and during construction of the Project to manage the cumulative impacts of both projects.
- The SIDRA modelling of the intersection of the New England Highway and Magpie Street appears to indicate the intersection will operate satisfactorily through the peak of construction period however the model is to be referred to TfNSW for review and concurrence. Additionally, the Singleton Bypass Project will, at times, have temporary traffic management in place at the New England Highway and Magpie Street intersection and this must be considered, and adequately managed, by the applicant.
- A dilapidation report (pre and post construction) must be prepared for the entire length of Maison Dieu Road from the New England Highway to the project site to identify any pavement damage caused by the Project. The applicant must repair any damage to the road pavement or associated infrastructure to Council's satisfaction post construction.
- A Road Safety Audit of the transport route within the Singleton LGA is to be undertaken prior to the commencement of construction. The Road Safety Audit, and the corrective action program is to be submitted to Singleton Council. The implementation of any corrective actions must be undertaken by the applicant to Council's satisfaction prior to the commencement of construction.
- Approval will be required from Singleton Council under Section 138 of the Roads Act 1993 prior to any works being undertaken, or the implementation of any temporary traffic control, on any Local or Regional roads.

- Any vehicle access that connects to a public road is to be sealed between the edge of pavement and the fence line (at a minimum).
- Any vehicle access that connects to a public road must comply with the sight distance requirements for intersections as per Austroads Guide to Road Design Part 4A specifically approach sight distance (ASD), safe intersection sight distance (SISD), and minimum gap sight distance (MGSD) must be achieved. It is noted that it is intended that traffic control will be in place during construction for the main combined entry/exit (Access A) however it will revert to a standard access post construction. Proof of compliance with sight distance requirements is to be provided to Singleton Council prior to the commencement of construction.
- Swept path analysis is required for the main temporary construction access (Access A). The TIA states that this access is to be constructed in accordance with AS2890.2-2002 and is therefore suitable for use by heavy vehicles and no swept path analysis is required. However, the OSOM Route Study indicates that the largest loads (switch rooms) that will turn into site may require a larger turning path than the standard layout specified in AS2890.2-2002. The swept path analysis for the main temporary construction access (Access A) is to be provided to Singleton Council prior to the commencement of construction.
- The OSOM Route Study indicates that the OSOM loads will overrun the median island on Magpie Street. A dilapidation report (pre and post construction) must be prepared for the median island on Magpie Street to identify any pavement damage caused by the OSOM movements associated with the project. The applicant must repair any damage to the median island or associated infrastructure to Council's satisfaction post construction.

Decommissioning and Rehabilitation

The project has not adequately considered rehabilitation of the site once the project is decommissioned. The EIS mentions that the impacts to soil from solar panels is "inconsiderable", however there is no mention of the management of proposed lithium batteries on site following decommissioning, nor is there an assessment of the waste generated at the end of the development's life.

The preliminary hazard assessments only recommends to test the batteries to ensure prevention of fires and maintenance. There are no design measures to ensure the soils are not impacted by a chemical spill or fire.

Council requires further assessment on the decommissioning impacts and post development land use, including how the proposed development will ensure any

future land uses are not constrained on or by the site due to any ongoing contamination or rehabilitation issues.

Voluntary Planning Agreement

Council and the Applicant are in discussions on a proposed Voluntary Planning Agreement (VPA) for the Project.

Council is continuing to work with the Applicant on a planning agreement outcome. To date, no agreement has been reached on a VPA quantum, as such council would ask that the Project not be determined until such time as an agreement is reached and endorsed by Council

Transmission Lines

The transmission lines between the proposed substation and the existing Ausgrid Substation are proposed to be underground or overhead cables:

"The connection from the on-site substation to Ausgrid's Singleton Substation will be via underground 66kV cables or overhead 66 kV line over Maison Dieu Road to the existing Ausgrid substation. An associated access track will be constructed, which will also be used for site access. These may require works within the Maison Dieu Road reserve."

The Applicant acknowledges that a section 138 from the relevant road authority (council) is required prior to commencement of these works and is likely to seek an easement to enable the works to take place. Council would like to undertake further consultation with the Applicant regarding the nature of works, the easement requirements and the long-term road maintenance implications for council, when road maintenance works are required.

To date, these discussions have not taken place, and the application should not be determined until council is fully aware of the potential legal and safety consequences for such a proposal, and is seeking a Deed of Agreement that includes:

1. Any changes/upgrades required to the Maison Dieu Road pavements as a result of construction-allied activity will need to be at the Proponent's expense, and
2. An annual fee will be payable to Council for use of Maison Dieu Road for transmission purposes, and
3. The transmission infrastructure is to be removed as part of the decommissioning process so that Council is not exposed to future expenses, and
4. Provision of a Bond for the decommissioning and rehab costs of removing electricity transmission infrastructure from within the road reserve.

Singleton Council would seek additional requirements in the event that Council is required to undertake road maintenance works within the easement.

At its general meeting on 26th November 2024, Council considered a Mayoral Minute that included, amongst other things, the following resolution:

Staff delegations relating to Section 138 of the Roads Act, 1993 for the installation of private infrastructure for energy production and other large projects in the Singleton LGA road reserves be withdrawn and determination to be by the elected Council;

As a result of this resolution, should any works be required in the road reserve, a subsequent report to Council seeking approval for these works will be required, prior to determination of the application.

Accommodation and Employment

Housing for workers during the construction phase has been a major issue raised by Council during the engagement phases of this development.

The Social Impact Assessment (SIA) identifies the cumulative impacts of the workforce during construction of the proposed project. There are five other similar Solar Farms identified in the SIA, as well as a number of other renewable energy projects which will have a cumulative impact on both the resourcing of skilled labour for construction and associated housing.

The SIA has not adequately addressed how:

- Where the workforce during construction stage will be sourced
- Where this workforce will reside during the construction stage

The ‘Social Baseline’ assessment of the SIA focuses on the rural suburb of Maison Dieu and does not elaborate further on a wholistic assessment and the interconnectedness of the Singleton Township as a Hub for the LGA.

The SIA says there is no need for accommodation commitments other than an “Accommodation Strategy”, developed prior to construction where the skill and training of local residents, as well as working collaboratively with the other major projects to ensure no impact to short or long-term accommodation.

The Assessment goes on to discuss the employment of the workforce during the construction phase and mentions that the workforce will be predominantly from the local areas, with training available under a “Workforce Strategy”.

The Assessment has only discussed the community profile, training opportunities, and unemployment rates in Maison Dieu and not Singleton or the wider community. There is short- and long-term accommodation shortages in Singleton and surrounds

due to the cumulative impacts of mining industry and Hunter Renewable Energy Zone.

By not considering how this project will be competing for a workforce already in short supply locally is a failing of this Assessment. The Assessment must consider that a construction workforce must be brought in outside the local (drive to work everyday) area, including interstate and international workers. This will have an impact on the already constrained housing resources available in the community.

Further Council would want to see the 'Accommodation Strategy' and 'Workforce Strategy' finalised before Consent is issued to ensure that acceptable accommodation is provided to the workers without impacting the affordable accommodation or any other long-term resident.

Biodiversity

Council has reviewed the Biodiversity Assessment for the Project, and raises the following specific issues regarding the BDAR:

- The BAM Credit Summary Report indicates that the calculator has yet to be finalised. An accredited assessor must ensure the calculator has been finalised before submitting a BDAR otherwise it is considered incomplete.

It is also noted that the Project will result in the loss of 75.84 hectares of woody vegetation, a large percentage of this Central Hunter Grey Box Ironbark Woodland (Endangered, BC Act), and Central Hunter Eucalypt Forest and Woodland (Critically Endangered, EPBC Act).

Avoiding this Threatened Ecological Community all together is recommended. Tree number 78 and 80 are large hollow bearing trees with a DBH of between 50-100cm. Clearing of these trees should be avoided.

Flooding

The Flooding Assessment (Revision D), dated 15 May 2024, shows that the proposed solar array is largely situated outside the 1% AEP extent. While the project might have minimal adverse impacts on flood behaviour within the project area, downstream properties, and the floodplain. The design of the structures in these areas must be adequate to ensure the flood impacts are minimised.

Heritage

The Heritage item (I141) 'Archerfield and outbuildings' is located on the opposite side of the Hunter River from the Project Area and was originally owned by George Bowman. The heritage curtilage of this item (that includes the entire Lot within which the item is located) is 200m at its closest point. The Archerfield homestead that comprises the heritage listing is 1.6 km northwest of the Project Area.

The Archerfield CHMP recommends the view corridors and aesthetic impacts to and from the homestead are to be maintained. This is regarded of high heritage significance to the heritage item and has not been adequately addressed. The heritage report is therefore inadequate to allow proper assessment of historic heritage impacts caused by the project.

Consultation with our Community

As part of the submission process Council consulted with members of the community that would be most likely to be impacted by the development. Concerns raised by these residents include the following:

- Not enough proposed onsite water storage for firefighting
- Safety concerns around flooding – the property has in the past been inundated by flood waters
- No access to the Major Projects Portal for 12 days – A request for a late submission was not accepted
- Visual impact and potential glare concern
- Impact to wildlife in the area – currently home to bandicoots and black swans
- Concerns around how non-recyclable waste will be disposed of at the end of the development's life and lack of life cycle analysis in the EIS
- Construction noise in close proximity to residential receivers
- Potential sterilisation of good agriculture land
- Concerns around community consultation and how that was carried out and advertised, for example:
 - i. Applicant led Zoom meeting – advertised 3 days before in Hunter River Times – older residents unable to understand and use the platform, also internet in the area of highest affectation is not reliable
 - ii. Applicant led meeting held in Library – Advertised in a small add in Hunter River Times and one other newspaper 2 days prior to the event.

Of concern to Council is the lack of extension of time provided to members of the community in order to make submissions into the Proposed Project. Council would ask that as this was not able to be provided, the Applicant undertakes additional detailed consultation with residents in the immediate vicinity of the Proposed Project and document within the Response to Submissions the issues raised, how the Applicant intends to address the issues raised and if not able to address the issues a justification as to why.

Council's Resolution of 26th November 2024

As advised above, Council resolved to support the staff submission with the following amendments:

1. The Applicant must ensure agreement with affected landholders is in place prior to determination; and
2. Communication with adjoining owners is clear, transparent and documented in the Response to Submissions; and
3. Additional information is required to ensure a clear pathway to decommissioning of infrastructure such that it will not adversely impact landowners or adjacent properties and that this information is transparently included in any Response to Submissions; and
4. The Department of Planning, Housing and Infrastructure ensure appropriate conditions of consent are imposed to ensure the above is in place.

I would like to thank you for the opportunity to provide comment on the Maison Dieu Solar Farm Environmental Impact Statement for the proposed Project. Please contact me on 02 6578 7290 if you have any questions.

Yours sincerely



Justin Fitzpatrick-Barr
General Manager