

22 January 2024

Mr Iwan Davies
Director, Energy Assessments
NSW Department of Planning, Housing and Infrastructure
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Dear Mr Iwan Davies

Subject: Birriwa Solar and Battery Project (SSD-29508870) – Response to Request for Additional Information

I refer to your letter dated 21 December 2023 in relation to your request for additional information in regards to the Birriwa Solar and Battery Project – Amendment Submissions Report (SSD-29508870). The sections below provide further detail on the requested information for the project.

1 Outcomes of consultation with NSW Police in relation to the licensed social area at the temporary accommodation facility

ACEN initiated consultation with the NSW Police on 6 December 2023 on the best practices of the proposed licensed social area at the temporary accommodation facility. ACEN met with Andrew Pearce of NSW Police (Sergeant OMWPD Licensing Supervisor, Western Region, Dubbo) on 16 January 2024. The key outcomes of the meeting were as follows:

NSW Police do not see any issue with a licensed premises at the ACEN accommodation facility as long as:

- there is appropriate access to the facility
- legislative requirements are met.

NSW Police suggested that should any issue arise, a memorandum of understanding could be established between the accommodation facility contractor and the local liquor accord (partnership of community members, local businesses, local councils, police and government departments) prior to operation. For instance, a clause could be included in the employment contract of employees relating to any issues raised as part of the liquor accord.

NSW Police understand the SSD process does not seek approval for the relevant alcohol licence. NSW Police expect to be involved in the licence approval process at the relevant stage, prior to operation of the accommodation facility commencing. The following requirements should be expected:

- Nomination of an approved manager liable for any potential breaches.
- NSW Police and Liquor and Gaming NSW inspectors can access the facility 24/7 or when operating (legislative requirement).
- Licence employees will hold responsible service of alcohol certificates.
- Licence may be a caterers licence, to be confirmed with Liquor and Gaming NSW.

NSW Police recommend the following approval process:

- Licence application through Liquor and Gaming NSW

- Application placed on notice board for 28 days
- Local council, local residents, local police will be able to make submissions.
- Liquor and Gaming NSW make final determination
- No approval until final assessment is complete, based on facility layout, access details, checks.

NSW Police suggest ACEN contact Liquor and Gaming NSW hospitality concierge in relation to the appropriate licence.

ACEN contacted Liquor and Gaming NSW hospitality concierge on 17 January 2024 and received a response on 18 January 2024 referring to an online ‘Licence Selector Tool’ on the Liquor and Gaming website. ACEN will continue to liaise with NSW Police and Liquor and Gaming NSW to acquire the appropriate licence and approval for the facility.

2 Details of the identified Water Access Licences in terms of their capacity and how this compares to anticipated water demands for the site

Section 4.5.1 of the Amendment Submissions Report outlines the water demand for the project, with anticipated total water demands summarised in Table 4.2. The total water demands are estimated per phase over a 28-month period for construction and decommissioning and over a 30-year period for operations. On average, the total water demand for construction equates to 139 ML per year; operation equates to 7.5 ML per year; and decommissioning equates to 139 ML per year.

Water source options for the project are detailed in Section 4.5.2 of the Amendment Submissions Report. ACEN notes that sourcing water from bores with existing Water Access Licences (WALs) is considered the most likely option to secure water demands, but it is not the only option. ACEN will consider all available options prior to construction commencing.

Should groundwater bores be utilised to source water for the project, it is noted that there are several current WALs in the relevant water sources that would be considered. The two WALs outlined in the Amendment Submission Report were listed as examples because they are currently operated by local landholders with whom ACEN have had discussions. The details of these example bores and associated WALs are outlined in Section 4.5.2 of the Amendment Submissions Report and summarised in Table 2.1 below.

Table 2.1 Summary of bores and associated WALs

WAL	Capacity (per year)	Bore location	Entitlement detail	Historical use
WL 34929	366 ML	Linked to 80CA716926 – a 203 mm diameter bore located on Lot 2 DP 854326, approximately 22 km north of the project area.	366 unit shares / 366 ML of entitlement in the Talbragar Alluvial Groundwater Source (within the Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020)	Previous water usage has ranged between 5-50% dependent on weather conditions (i.e. 2022 was a wet year and 5% of the available water allocation was used, on a dry year 50% of the water allocation has been used).

WAL 34924	276 ML	Linked to 80CA716936 – 2 bores (219 mm and 323 mm diameter) located on Lots 85 & 87 DP 754309, approximately 19 km north of the project area.	276 unit shares / 276 ML of entitlement in the Talbragar Alluvial Groundwater Source	No water has been used (i.e. 0%) for the available allocation to date.
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Based on these projections, there is sufficient water entitlement from either of the two identified WALs to meet the anticipated water demands of the project (between 7.5 and 139 ML per year), even with historical use accounted for. Should it be proposed that existing bores currently operated under Basic Landholder Rights provisions be used for the project, ACEN will lodge an application to add commercial use to the Work Approval, prior to commencing construction. ACEN note that this development application (SSD-29508870) does not seek approval for conversion of use.

3 Clarify which Waste Management Facilities listed in the RTS are capable of taking waste from the development site, noting Council comments around waste disposal in their LGA

During project consultation, it has been identified that landfill waste originating from SSD projects will not be accepted at the waste facilities operated by Mid-Western Regional Council or Warrumbungle Shire Council. A review of waste management facilities in the region was conducted as part of the Amendment Submissions Report, which identified a number of facilities within the adjacent Upper Hunter Shire Council and Dubbo Regional Council areas. In response to the Department’s request for further information, additional consultation has been conducted with these councils to identify whether they are capable of taking waste from the project. A summary of the consultation conducted and associated outcomes is provided in Table 3.1 below.

Table 3.1 Summary of consultation conducted and associated outcomes

Council	Consultation type	Date	Discussion summary
Dubbo Regional Council	Telephone discussion with MJ	16 January 2024	<ul style="list-style-type: none"> Dubbo Regional Council has two waste facilities, Whylandra and Wellington. Wellington is a small transfer station primarily for residents, so would not accept waste from the project. Whylandra has capacity for the project waste but would require management approval to receive the waste due to the project being outside of the council area. It was noted that Whylandra does not accept liquid waste. Further information on the type and quantities of waste anticipated to be generated on the project was requested for review and consideration.

	Follow up email from ACEN to Dubbo Regional Council	16 January 2024	An email was sent to Dubbo Regional Council providing the approximate type and quantities of waste that is anticipated to be generated by the project (Table G.2 of the Amendment Submissions Report), with a request for in-principal confirmation that the waste facility could receive the waste.
	Email from Jamie Lobb, Manager Resource Recovery and Efficiency – Dubbo Regional Council	17 January 2024	<p>Dubbo Regional Council (DRC) confirmed that the Whylandra Waste and Recycling Facility (EPL# 6058) is able and licensed to receive the below waste streams:</p> <ul style="list-style-type: none"> ▪ Transportation and packaging waste, including plastic, paper, cardboard, pallets, timber ▪ General domestic waste, including food waste, paper, cardboard, aluminium, plastic and glass ▪ Green waste ▪ Spoil <p>It was noted that the liquid waste may be able to be taken by DRC's Sewer water treatment plant and the hazardous liquid waste and oils can be taken by numerous contractors based locally.</p>
Upper Hunter Shire Council	Telephone discussion with John Wisniewski	16 January 2024	<ul style="list-style-type: none"> ▪ Upper Hunter Shire Council has four licensed waste facilities, three of which are for landfill only and one with resource recovery. ▪ The closest facilities to the project (Merriwa and Cassilis) are small transfer stations for residential waste only, so would not accept waste from the project. ▪ The two facilities which could accept the waste are located in Scone and Aberdeen, but currently struggle to stay within the licensed annual tonnage amounts and therefore would not be able to accept waste from the project.

The outcome of the consultation confirms that Dubbo Regional Council is able and willing to accept the majority of waste streams expected from the project and have provided contact details for licensed facilities and contractors that can handle the remaining waste.

In addition to the consultation with nearby councils, ACEN met with Central Waste Station, a private resource recovery and waste management operator with facilities in Cessnock, Muswellbrook and Newcastle local government areas. Potential options for waste management solutions were discussed, in particular the recovery of packaging waste. The viability of this option will be explored further and would complement the solution provided by Dubbo Regional Council.

4 Information around the medical centre operations and staffing

As outlined in Sections 4.8.1 and 5.1.2 of the Amendment Submissions Report, ACEN notes Council's recommendation to implement telehealth services for workers and residents to access GPs and medical services 24 hours. ACEN is committed to appropriate medical centre operations during construction and operation of the project and will continue to engage with the Mid-Western Regional Council and EnergyCo to explore these options so they can benefit local businesses without adversely impacting the local communities. At this stage of the development of the project, ACEN expects to establish the following medical centre operations:

- On-site nursing practitioners to provide for the primary health care and preventative care needs of the project's construction staff.
- A registered nurse will be available to address more complex health concerns to reduce the reliance on local health services. They will be responsible for the care and supervision of all medical services, including formulating care plans, ordering and/or administering medication and referring patients to external health providers (preferably telehealth services).
- Telehealth services for the project's construction staff to access general practitioners and medical services 24 hours remotely.
- Key construction staff will also be First Aid trained.

The exact nature and details of the health service to be provided will be confirmed with the contractor appointed for the management of the facility and documented within the final Accommodation and Employment Strategy, in consultation with the relevant stakeholders, in particular the local Councils and EnergyCo, prior to construction commencing.

If you have any questions, please contact myself.

Yours sincerely

Cédric Bergé
Project Development Manager
ACEN Australia