

4 December 2025

SUBMITTED VIA NSW PLANNING PORTAL

Director – Energy Assessments
NSW Department of Planning, Housing and Infrastructure

Dear Director – Energy Assessments,

RE: SUBMISSION ON DENMAN RENEWABLE ENERGY HUB (SSD-76189216 AND SSD-65996959)

This letter outlines a submission from Malabar Resources Limited (Malabar) on the State Significant Development (SSD) applications for the Denman Battery Energy Storage System (BESS) (SSD-76189216) and Upper Hunter South Solar Farm (SSD-65996959), collectively referred to as the Denman Renewable Energy Hub.

Environmental Impact Statements (EISs) for the two SSD applications were placed on public exhibition on the NSW Planning Portal on 6 November 2025.

This submission raises concerns with the adequacy of consultation with interested parties and assessment of potential impacts, including cumulative impacts.

Background

Malabar is an independent Australian-owned resources company operating projects in the Hunter Valley, including:

- resource assets comprising the Maxwell Underground Mine, Maxwell Infrastructure, and the Spur Hill Underground Project;
- development of large-scale renewable energy projects, including the 25MW Maxwell Solar Farm and the 350MW Edderton Solar Farm, helping power the Hunter-Central Coast Renewable Energy Zone and supporting the region's clean energy future;
- rehabilitation of previously mined land for agriculture and renewables; and
- the successful operation of the Merton Vineyard and cattle grazing.

Malabar's diverse range of projects and assets in the Hunter Valley support the region's diversification and generate employment in the region. The Maxwell Underground Mine currently employs approximately 300 personnel and will provide over 430 full-time jobs for decades once fully operational.

Malabar is an active participant in the local Upper Hunter community, supporting a wide range of local groups, businesses, schools, sporting teams and charities and engaging with our community stakeholders on a regular basis to seek input and encourage transparency.

Collectively, Malabar owns 8,900 hectares (ha) in the region, the majority of which is dedicated to agricultural activities. The parcel of land directly south-east of the Denman Renewable Energy Hub is owned by Malabar, through its subsidiary Spur Hill Agricultural Pty Ltd. Malabar also owns the Merton Vineyard, which is located approximately 3 km from the site.

Malabar has recently finalised agreements to acquire an additional 3,700 ha of land and several exploration and mining tenements from BHP's neighbouring Mount Arthur Coal Mine¹. One of these exploration tenements (Exploration Licence 5965), overlaps with a portion of the property that would be developed for the proposed Denman Renewable Energy Hub. As a result of these additional land acquisitions, Malabar will also own the parcel of land directly east of the Denman Renewable Energy Hub.

Submission

Stakeholder Engagement

The stakeholder engagement undertaken for the Denman Renewable Energy Hub appears to have been neither proactive nor thorough.

The Secretary's Environmental Assessment Requirements (SEARs) for the Denman BESS require:

In particular, you must undertake detailed consultation with affected landowners surrounding the development, the owners of all exploration licences across the proposed development site, the operator of any pipelines on or adjacent to the site, and all relevant government agencies, including the relevant local Council

The NSW Government's *Undertaking Engagement Guidelines for State Significant Projects* (NSW Department of Planning, Infrastructure and Housing, 2024) (Engagement Guideline) requires that SSD applications demonstrate how stakeholder feedback has been considered in the design and assessment of the project.

Malabar has not received any direct contact from the applicant of the Denman Renewable Energy Hub in the lead up to lodgement of the EISs, or following submission, to its registered office or through its community contacts. This is despite Malabar owning multiple properties and businesses within 5 km of the projects and contact details for Malabar being readily available on its website.

The EISs for the projects cannot be considered to comply with the objectives of the Engagement Guideline or the SEARs if engagement with key stakeholders has not occurred.

¹ Media announcement available at: <https://malabarresources.com.au/wp-content/uploads/2025/10/Malabar-Media-Release-Maxwell-North-31-Oct-2025.pdf>

Malabar respectfully requests further direct and detailed consultation with the applicant as required by the SEARs. This engagement could achieve several key goals, including:

- Allowing Malabar to provide further specific details about its assets and future plans, so that these can be properly considered and assessed in the environmental impact assessment.
- Better understanding the potential timing, delivery and shift arrangements of construction activities so that Malabar can work proactively with the applicant to minimise potential cumulative impacts.
- Identifying areas where the applicant and Malabar could share infrastructure or resources.
- Building a productive partnership between the parties as investors and community members in the region.

Potential Flooding Impacts

The projects are located in the Hunter River catchment, with the Hunter River and associated floodplain extent located to the immediate west (across Denman Road).

Both the Denman BESS and Upper Hunter South Solar Farm propose to construct project components (i.e. laydown areas, solar panels and batteries) within 40 m of a 3rd order watercourse, in some instances directly intersecting the 3rd order watercourse. As a result, a number of these project components are within the 1% Average Exceedance Probability (AEP) flood level.

Section 13 (Floodplain Management) of the *Muswellbrook Shire Development Control Plan* (Floodplain Management Plan) outlines assessment requirements and flood management and control measures that development within flood prone land is required to comply with.

Regarding potential flooding impacts, the SEARs for the Denman BESS require:

- *assessing the impacts of the development, including any changes to flood risk and overland flows on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required;*
- *...*
- *Flood Risk: identification of any flood risk on site having regard to adopted flood studies, the potential effects of climate change and any relevant provisions of the NSW Flood Risk Management Manual;*
 - *where the development could alter flood behaviour, affect flood risk to the existing community or expose its users to flood risk, provide a flood impact and risk assessment (FIRA) prepared in accordance with the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01;*
 - *detailed design solutions and operational procedures to mitigate flood risk where required.*

The EISs for the projects do not provide any consideration of compliance with the flood controls in the Floodplain Management Plan or detail design solutions to mitigate flood risk. Rather, review of the proposed project design and layout to comply with flood controls, and development of evacuation plans, is deferred to post-approval. The proposed intersection and access road to the site also do not appear to be included in the flood model.

The EISs generally describe that bunding and diversion drains would be implemented and permanent infrastructure relocated as required to manage overland flows and avoid inundation of key infrastructure for the Denman Renewable Energy Hub.

Malabar is concerned that, without any certainty that the projects would comply with the flood controls in the Floodplain Management Plan or details of the intersection with Denman Road, the flood modelling undertaken in the EISs does not consider the full extent of potential impacts to the flooding regime, including upstream or downstream changes to overland flows on adjacent land, the Hunter River floodplain and along Denman Road.

Assessment of Cumulative Impacts

The consideration and assessment of potential cumulative impacts in the EISs for the Denman Renewable Energy Hub appears incomplete, both in relation to other approved and proposed projects in the broader region as well as the interaction between the Denman BESS and Upper Hunter South Solar Farm.

Interaction Between the Projects

The integration of and interaction between the Denman BESS and Upper Hunter South Solar Farm as the 'Denman Renewable Energy Hub' is not described at a sufficient level of detail to determine which components of each project are standalone or shared, and in turn, which potential impacts are standalone or shared.

In particular, the EISs do not include any consideration of the potential cumulative impacts of overlapping construction and/or operation timelines, and shared use (or not) of key supporting infrastructure (e.g. access roads, operations and maintenance facilities, workforce).

This lack of detail makes it difficult for Malabar to understand the implications of the Denman Renewable Energy Hub on aspects such as traffic on Denman Road, or potential impacts on accommodation availability.

Interaction with Projects in the Broader Region

Approved SSD projects in the region, such as the Maxwell Underground Mine, Maxwell Solar Farm, Mount Arthur Coal Mine, Muswellbrook BESS, and Bengalla Coal Mine have not been included. Known works at Liddell and Bayswater Power Stations have also not been discussed.

Malabar is unable to confirm if relevant information regarding its approved and proposed mining and renewable assets have been accurately represented and assessed for potential interaction with the projects. This has material implications for key environmental assessment outcomes in both EISs, particularly in relation to potential road transport, social (i.e. workforce and housing), construction and visual impacts.

Inadequate consideration of cumulative impacts reduces the confidence of the local community and other stakeholders in the impact assessment and creates uncertainty for future projects.

Conclusion

To enable Malabar to comprehensively consider the potential implications of the proposed Denman Renewable Energy Hub, it is suggested that the Submissions Reports for the projects include, at a minimum:

- A record of direct and detailed consultation with Malabar (yet to be facilitated by the applicant), including detail as to how any feedback provided by Malabar has been considered and the applicant's plan to facilitate an open pathway of communication going forward with the projects.
- Consideration of compliance with the flood controls in the Floodplain Management Plan and revision of the detail design and layout to mitigate any risks, particularly along Denman Road.
- Clarification of the interaction and/or integration between the Denman BESS and Upper Hunter South Solar Farm, including a construction timeline which identifies any periods of overlap between the projects (alternatively, provision of firm commitments that certain components would not overlap).
- Revised cumulative impact assessments which include all approved SSD projects in the region, in particular for road transport and workforce demands.

If you would like to discuss this submission, please contact me via email at (wseabrook@malabarresources.com.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'W Seabrook', written in a cursive style.

Wayne Seabrook
Chairman
Malabar Resources