



Enquiries

Please ask for Sharon Pope
Direct 02 6549 3868

Our reference

Your reference SSD 9820

24 Jan 2020

**Laura Evans
Resource Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001**

Dear Ms Evans,

Maxwell Solar Farm – SSD 9820 – Muswellbrook Shire Council Comment

I refer to the Environmental Impact Statement, prepared by NGH Consulting for Malabar Coal ("the Proponent"), for the Maxwell Solar Farm SSD - 9820. Council appreciates the opportunity for comment.

The proposal seeks approval for:

- Approx 4,500 strings containing 30 PV panels, spaced 5-10m on a combination of horizontal tracking systems and fixed/tilt structures.
- Conduits, cabling, inverters, switchgear and similar electrical equipment,
- 1.6km of 33kV or 3.5km of 66kV overhead transmission line (No battery storage).
- Delays to delivery of some aspects of the Drayton Mine Closure Plan.
- Construction and maintenance of internal access roads.

Council's response to specific impacts of this proposal follows the order that issues are addressed in the EIS document:

Approval Issues

1.0 The project relies on existing infrastructure approved and constructed under different applications, for example, DA 163/2002 and Project Approval 06_202. It will also share infrastructure with the proposed Maxwell Underground Mine (SSD 9526). Appropriate conditions of approval are required to make it clear which development will be responsible for removal of infrastructure and rehabilitation of the land, particularly if one development ceases ahead of another.

Community Issues

2.0 The EIS states that no VPA is proposed. A s7.12 contributions plan applies to the Shire, with contributions calculated on the basis of the Capital Investment Value of the development. At a minimum, Council requests that a condition of approval be included requiring a contribution toward road maintenance and provision of Community Infrastructure in accordance with s7.12. In line with approvals issued for many other SSD in the Shire, Council has a preference for a VPA, covering the s7.12 contribution to roads and community facilities, a contribution to the costs of employing a Council Officer who will review plans, monitor outcomes and contribute to closure/rehab planning in the future, and a target for employing local youth as apprentices on the site. The VPA is anticipated to consist of:

Item	Development Contribution Proposed
Council Road Maintenance and Community Infrastructure Costs	A one-off contribution toward the maintenance of roads, and provision of community infrastructure, calculated as 1% of the Capital Investment Value of the development (in accordance with Council's s7.12 Contribution Plan).
Environmental Officer	The Applicant to make contributions to an Environmental Officer, up to a maximum of \$10,000 per annum (indexed annually according to CPI).
Apprenticeships	The Applicant to use its best endeavours to engage 1 apprentice per year for the life of the Solar Farm sourced from residents within the Muswellbrook Shire.

Biodiversity

3.0 Council has some concerns regarding the proposal's impact on delivery of outcomes identified for the Drayton Mine Consent and the Mining Operations Plan (the Plan) 2016. The Plan was endorsed by the Department of Planning and Environment (now DPIE) as the Final Void Management Plan and Mine Closure Plan, as well as part of the Landscape Management Plan. The Solar Farm application covers a proportion of the site that the Plan committed to rehabilitating as Trees over Grass (Primary Domains 12 and 13), Woodland with secondary domains (Woodland (E)) and Forest (F). These domains were nominated so that the original consent would be consistent with the Synoptic plan, i.e. integrated landscapes with the goal of enhancing the local and regional habitat corridors.

4.0 The EIS does not address the Mine Closure Plan or assess the impact a delay in rehabilitation works will have in establishment or enhancement of the local and regional habitat corridors, and as a result, does not offer alternatives that would allow the establishment or enhancement of the local and regional habitat corridors ahead of closure of the Solar Farm.

5.0 Council requests that the applicant provide detail on how the solar farm proposal will be consistent with the existing Mining Operations Plan (and Mine Closure Plan) objectives in regards to rehabilitation. Deferring the rehabilitation obligation until the decommissioning phase of the Solar Farm is not a satisfactory outcome.

6.0 The area identified for rehabilitation to Trees over Grass and Woodland, that will be impacted by the solar farm proposal, should be completed elsewhere within the site. This will give greater certainty that the rehabilitation will be completed consistent with the existing consent and plans. Maxwell Coal will need to ensure that this vegetation will still achieve the goal of enhancing habitat connectivity through the site.

Soil and erosion

7.0 Given the relatively dusty environment the Solar Farm will be located in, washing PV surfaces will be necessary to maintain efficiency. The EIS indicates water will be sourced from a combination of water collected from roof areas and transported to site by water carter. Council requests that water used be low in salt and heavy metals to limit accumulation in the soils surrounding the PV (which in turn may make retention of vegetation cover more difficult).

8.0 Adequate ground cover must be maintained under the PV, and in associated infrastructure areas and corridors, to manage potential erosion resulting from rainfall disruption, concentration and increased site drainage as a result development (e.g. changes to permeability, concentration of flows, drips).

9.0 Council requests a weed treatment program be required, including regular monitoring and weed management activities to ensure the Solar Farm site does not become a source of weeds for adjoining mine rehabilitation areas.

Closure and rehabilitation

10.0 The EIS indicates that when the Solar Farm is no longer required, the land will be rehabilitated to pasture or another beneficial use. The Drayton Mine Consent and the Mining Operations Plan 2016 committed to rehabilitating much of this site as Trees over Grass (Primary Domains 12 and 13) and Woodland, with secondary domains Woodland (E) and Forest (F). This should be used to guide the rehabilitation of the site post-Solar Farm, unless other uses with higher employment opportunities are approved for the site.

11.0 The Mine Closure Plan and rehab activities for the former Drayton Mine site generally do not include micro-relief, which has resulted in landforms that are unnatural in appearance. Future rehab of the Solar Farm site should be encouraged to alter the land surface to incorporate micro relief.

12.0 A rehabilitation bond should be required to cover the expenses associated with removal of structures, waste management and rehabilitation of the site.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested.

Yours faithfully



Fiona Plesman
GENERAL MANAGER