

Planning Services
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001
Attn: Rob Beckett

Dear Rob Beckett

Maxwell Solar Farm (SSD-9820): Adequacy of Environmental Assessment

I refer to the correspondence dated 11 December 2019 inviting the Resources Regulator to provide advice regarding the adequacy of the Environmental Impact Statement - Maxwell Solar Farm - December 2019 for Maxwell Solar Farm SSD-9820.

Development Details

The Maxwell Solar Farm is located approximately 10 kilometres south-east of Muswellbrook, NSW.

Maxwell Solar Pty Ltd (Maxwell Solar) proposes to construct, operate and decommission a photovoltaic (PV) Solar Farm with an installed capacity of approximately 25MW (AC). The proposed Maxwell Solar Farm is located at Maxwell Infrastructure (previously named the "Drayton Mine") in an area that was disturbed during open cut mining operations and is currently under rehabilitation.

The Maxwell Solar Farm proposes to:

- Construction, operation and decommissioning of a 25MW(AC) photovoltaic solar facility, with an expected energy generation of 60 Giga Watt hours (GWh);
- Approximately 4,500 strings each containing 30 PV panels;
- Up to approximately 1.6km of 33kV or 3.5km 66kV overhead transmission line (two options for grid connection);
- Potential battery storage;
- Substation;
- Ancillary infrastructure;
- Approximately total development footprint for the proposal is a maximum of 130 ha; and
- Operating life of 30 years.

Environment and Rehabilitation

The Mining Act Inspectorate within the Resources Regulator has responsibility for providing strategic advice for environment issues pertaining to the proposed project in so far as they relate to or affect rehabilitation.

Currently the titleholder has responsibility for the rehabilitation of the site. Before lease relinquishment, the titleholder would be required to demonstrate to the satisfaction of the Regulator that the rehabilitation is of a standard that would meet the final land use outcomes as specified in the existing development consent and Mining Operations Plan.

On review of the EIS it is noted that the proposed development involves the removal of up to 29.93ha of immature revegetated woodland/shrubland and 95.35ha pasture. In addition, the EIS (Section 4.7) outlines that at the end of the Proposal's operational life that the site would be either re-equipped, returned to its pre-mining land capability, or to an alternative land use. One of the key elements of the decommissioning being that areas where soil is disturbed would be rehabilitation to pasture.

Where an alternative land use is proposed to what was specified in the original development consent and Mining Operations Plan, such as the solar farm proposal, the Resources Regulator would only recommend relinquishment of the lease to the Division of Resources & Geoscience as well as a reduction/return of the security deposit in the event that any remaining rehabilitation obligations were addressed as part of the development consent for a subsequent post-mining land use. Specifically, there is a legal obligation imposed (e.g. conditions of consent etc.) on the subsequent land holder to appropriately manage/address any potential liabilities associated with the former mining operations as part of the authorised post mining land use.

In the case of the proposed Maxwell Solar Project, the Regulator is of the view that further specificity is required in regards to a proposed final land use outcome (e.g. agricultural purpose). In addition, further detail is required in regards to the proposed rehabilitation strategy to address any constraints associated with the former mining operations to ensure that sustainable rehabilitation outcomes can be achieved post the solar development.

The Resources Regulator recommends conditioning of the project (if approved) to ensure that any rehabilitation liabilities associated with the area is transferred to the Maxwell Solar Project for all stages of the development. The Resources Regulator requests a review of the draft development consent conditions prior to finalisation and any granting of development consent.

If you require additional information, please contact the Resources Regulator on 1300 814 609 (Option 2, then 5), or via email at nswresourcesregulator@service-now.com.

Yours sincerely,

Matthew Newton
Director Compliance
Mining Act Inspectorate
Resources Regulator
NSW Department of Planning, Industry & Environment

21 February 2020