

Our ref: SSD-46543209

Stephen Barry
Planning Director
Independent Planning Commission NSW

Via email: [REDACTED]

04/03/2025

Subject: Muswellbrook Solar Farm (SSD-46543209) – Request for Additional Information

Dear Mr Barry

I refer to your letter dated 24 February 2025 regarding the Independent Planning Commission's (the Commission's) consideration of Muswellbrook Solar Farm (SSD-46543209).

The Department of Planning, Housing and Infrastructure's (the Department) responses to the questions in the Commission's letter are provided below. The Commission's questions are included in bold italics for reference.

Please provide information demonstrating the Department of Planning, Housing and Infrastructure's consideration of section 4.6(2) of State Environmental Planning Policy (Resilience and Hazards) 2021.

The Department's assessment considered contamination matters in the Contamination section on page 50 of the Assessment Report. As set out in the report:

- Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* is referenced by ESCO in Section 4.6 of its EIS. In this section, ESCO noted that agricultural activities have occurred on and near the development footprint, however no potentially contaminated locations have been identified to date.
- ESCO has committed to implementing an unexpected finds protocol to manage any contamination which may be identified during construction. This will include handling and disposal procedures in accordance with NSW EPA guidelines, Australian Standards, and relevant industry codes of practice.
- The Department considers that the proposed use of the land is not intensive and low risk noting the very low number of people required to access the site during operation.
- Accordingly, the Department considers that the site is suitable for the proposed development and that the proposed mitigation is sufficient to minimise risk of the development.

Appendix I of the Assessment Report (page 69) also considered the SEPP within the Statutory considerations table, where the following is provided:

- The Department has also considered the contaminated land provisions of the Resilience and Hazards SEPP (Ch 4). Given the site has historically been used for agricultural uses, the Department considers the site would be suitable for the proposed development. ESCO has committed to implementing management plans which would minimise the potential for contamination of the site associated with the development and has also committed to implementing an unexpected finds protocol to manage any contamination which may be identified during construction.

In addition, and as discussed with the Independent Planning Commission, the Department sought additional information from the applicant regarding their consideration of the matter.

The response from the applicant is provided at Attachment A, and further supports the information provided in the EIS and the Department's consideration of contamination within the Assessment Report.

If you have any questions, please contact me on [REDACTED] or via email at [REDACTED]

Yours sincerely,

[REDACTED]

Iwan Davies
Director
Energy Assessments