



NAME REDACTED

COMMENT

Submission ID: 237396

Organisation: <i>Muswellbrook Shire Council</i>	Key issues: <i>Traffic</i>
Location: <i>New South Wales 2333</i>	
Attachment: <i>Attached overleaf</i>	

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See attached.

Enquiries
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Our reference CM 25/2510

07 February 2025

**Professor Neal Menzies
Commissioner (Panel Chair)
Independent Planning Commission**

Dear Professor Menzies

**Muswellbrook Shire Council Submission to the Independent Planning Commission
in relation to the Muswellbrook Solar Farm (SSD-46543209)**

Muswellbrook Shire Council (Council) has reviewed the Assessment Report and Recommended Instrument of Consent for the Muswellbrook Solar Farm (SSD-46543209) (the Project), which, along with the Project, is currently under consideration by the Independent Planning Commission (IPCn).

The purpose of this submission is to highlight issues that have been raised previously with the Proponent and Department of Planning, Housing and Infrastructure (DPHI) and that Council does not consider have been fully addressed by the DPHI or the Proponent. Council would also like to provide comment on issues raised by the community during the project notification process.

Community Issues

Loss of Agricultural Land

As outlined in the Assessment Report, 23 of the submissions originated from within the Muswellbrook Local Government Area (LGA), and some of these raised concerns about impacts on agricultural land.

While the land involved has relatively low carrying capacity, and due to mining activities some of the land has not been used regularly for grazing/farming activities for many years, it would be preferable that grazing occurs under the panels for management of grass and weeds rather than relying on slashing and weed spraying. Council supports the Proponent's commitment to exploring solar and agricultural integration to reduce agricultural impacts.

Council reiterates its comments on the Environmental Impact Statement, as follows:

42. Council support's the commitment contained within Section 6.4 of the Agricultural Impact Statement that the Proponent will 'investigate the potential for integrating solar panel installation and agricultural use at Muswellbrook Solar Farm as a means of further mitigating the impacts to agriculture'.

Visual Impact

Council notes that the visual impact from most nearby dwellings will be limited and screened by topography and vegetation. Many residents will, however, view the project from Muscle Creek Road as they travel between town and their residences. For this reason, Council supports the proposed benefit sharing for nearby residents, in the form of a land rate rebate administered with the assistance of Council.

Road Upgrade – Site Access to Sandy Creek Road

There is an error in Table 1 of Appendix 4 of the draft Instrument of Consent. The table refers to the intersection being upgraded to accommodate 26m long B-Double trucks. Draft condition B1, and requirements of TfNSW and Council are that the maximum length of vehicle using Sandy Creek Road is to be restricted to a 19m long B-double.

In addition, the proposed intersection upgrade should be designed in accordance with AUSTRROADS Standards and the design should be subjected to a road safety audit.

Dilapidation Surveys and Road Maintenance

Council requests that draft Condition B7 be updated to state:

- a) The dilapidation surveys will record the condition of the road pavement, drainage structures and other road related infrastructure; and
- b) The Proponent must develop a Maintenance Management Plan in respect of these roads, prepared in accordance with Transport for NSW M3 specifications for road maintenance, to the satisfaction of the relevant council.

This is to ensure that drainage infrastructure that is integral to the road is included, not just the surface pavement. There have been disagreements with project proponents on this issue.

DPHI has not included this as the draft condition of consent.

Contributions Study

Note: the following has not been raised previously with DPHI.

In its Planning Agreement General Terms with the Proponent, Council approved the following:

7. As there will be heavy vehicles along Sandy Creek Road for simultaneous multiple projects (Muswellbrook Battery Energy Storage System, Muswellbrook Pumped Hydro, Muswellbrook Bypass and Muswellbrook Solar Farm), the pavement damage for any specific project will need to be accurately calculated. As such, a proper methodology for contributions will need to be developed by Council and part funded by the Proponent through the Planning Agreement.

Since agreeing to these terms, Council staff have met with multiple project proponents, ranging from EnergyCo with plans to construct 500KV powerlines, TfNSW to construct the Muswellbrook Bypass, Santos to construct the Hunter gas pipeline, AGL with plans to construct a pumped hydro development, and several battery energy storage proposals. The cumulative impact of consumption of the same local road assets by multiple projects is difficult to manage.

It is the intention of Council to prepare a Contributions Plan to apportion the cost of maintenance of Sandy Creek Road and Muscle Creek Road, during the construction phase of these projects, across the abovementioned projects if they are under construction simultaneously.

In similar instances in the Shire (e.g various mining projects), an instrument of consent would include the following condition (excerpt from SSD-10418 for the Mount Pleasant Coal Mine):

Thomas Mitchell Drive

B105. The Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "Thomas Mitchell Drive Contributions Study, August 2018" (as amended from time to time).

For Thomas Mitchell Drive, the contributions must be paid to Council in accordance with:

- (a) the payment schedule in the Contributions Study for the upgrade works; and
- (b) the maintenance schedule established in accordance with the Contributions Study during the life of the development, unless otherwise agreed with Council.

Notes:

- In making a determination about the applicable contribution/s under this condition, the Planning Secretary will take into account the contributions already paid or required to be paid towards the upgrade and maintenance of the local road network in the Muswellbrook Local Government Area under this consent and any associated Planning Agreement with Council.
- If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.

Council requests a similar condition is included in the Instrument of Consent for the Project, applicable to both Sandy Creek Road and Muscle Creek Road.

Disposal of Solar Panels

For the past 30 years the open cut coal mines in the Hunter have been disposing of waste tyres on their individual sites. They have said they have to bury them as there is no one able to recycle these tyres. Council estimates that in the Hunter alone there are approximately 150,000 tyres being buried each year, becoming a legacy for future generations.

It is important that the solar panel industry and projects are not permitted to follow this same path of generating a "waste product" but not actively working to find solutions to refurbish, reuse or recycle damaged or defective panels.

Industry experts have told Council staff that 10% of the panels sent to site for this project will be defective, damaged in transit, or damaged during construction. That is 30,000 panels just in the construction phase. Council's waste management facility does not have the capacity to accept this quantity of panels.

Council requested a condition of consent (updated in accordance with the January 2025 Ordinary Council Meeting resolution) stating that:

During all phases of the project life, ~~construction and operation~~, no solar panels are to be disposed of at Council's waste management facility or any public or private landfill sites (and preferably not be disposed of at any public or private landfill sites). All damaged or non-functioning solar panels should be recycled or rehabilitated and reused.

Council is currently working with other Hunter councils to remove household solar panels from the waste stream via a contract with a solar panel recycling company. Coordinating the storage and collection of damaged/defective panels from a commercial farm would be a significant impact on Council staff resources and space requirements at our waste facility.

DPHI has not included this as a condition of consent and has recommended only a standard waste condition.

Whilst it is acknowledged that the Proponent has made several commitments in its Waste Management Plan relating to recycling, Council is of the opinion that the Instrument of Consent should strictly prohibit any solar panel being disposed of at landfill due mainly to ensure the project proponent actively looks for solutions to this issue.

Prohibiting disposal to landfill would also be consistent with targets set in the newly released Australian *Circular Economy Framework* which aims to double the circularity of the economy by 2025 i.e recovering 80% of resources.

There are start-up companies able to recycle components from panels in NSW. It is Council's preference that the Proponent negotiate contacts directly with these companies, including the transport of defective or damaged panels to processing sites.

Disposal of Batteries

It is understood that lithium-ion batteries are currently being stockpiled in Australia while recycling programs and process are being developed. Stockpiling of batteries can create a serious fire risk. The Waste Management Plan for the Project should outline details of where batteries are intended to be stored if they are unable to be immediately recycled.

Final Land Use Plan

Council requested a condition of consent that:

A post-decommissioning land use plan be prepared a minimum of five years before the end of the approval, to determine the most appropriate mix of land uses for the site, including maintaining employment opportunities for a minimum of 9 staff. The plan should also be prepared in consultation with Council, the local business community, local environmental experts and Aboriginal representatives.

DPHI has not included this as a condition of consent and has recommended only a standard rehabilitation condition (which excludes the retention of the workforce).

Council's experience with power stations and mines is that over a twenty to thirty year period the community changes and becomes dependent on these "temporary" industries. Their closure creates loss of jobs, impacts on the local economy and loss of confidence.

A condition that considers planning for new employment local opportunities for the workforce is important because it ensures the site transitions effectively and enables consideration of the most appropriate mix of land uses and addresses a gap in how such transitions are currently managed within the Shire's industries.

Temporary Construction Workforce Accommodation

Council has been fielding enquiries from various project proponents to develop temporary construction workforce accommodation on scattered sites across the Shire. Council would prefer a more strategic and coordinated approach; potentially accommodation that is shared by various projects at one or two well positioned locations that provide long-term benefits for the community, rather than an ad hoc approach.

Procurement Strategy

In its Environmental Impact Statement and the General Terms of the Planning Agreement, the Proponent has committed to preparing a Procurement Strategy in consultation with Council. Council requested that an appropriate condition of consent be included to ensure that this commitment is formalised.

DPHI has not included this as a condition of consent.

Site Facilities

Council requested a condition requiring site facilities during construction and operation to ensure basic health, hygiene, and welfare for workers, compliance with regulatory requirements and minimisation of environmental impacts.

Site Facilities

- a) *A garbage receptacle fitted with a tight-fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.*
- b) *Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.*
- c) *Each toilet and sink provided must be connected to an on-site effluent disposal system approved by the Council.*
- d) *The provision of toilet facilities must be completed before any other work is commenced.*
- e) *Provision of a lunchroom and site office.*

DPHI has not included this as a condition of consent.

Council staff appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact [REDACTED] [REDACTED] Environmental Planning Officer on [REDACTED] [REDACTED] [REDACTED] or email council@muswellbrook.nsw.gov.au.

Yours faithfully



Sharon Pope
Director Environment and Planning