

Our ref: OUT24/9086

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28/06/2024

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Subject: Keri Keri Wind Farm (SSD-38358962) (Murray River) - EIS

Dear Lauren,

I refer to your request for advice sent on 23 May 2024 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

Acciona Energy Australia Global Pty Ltd (the Proponent) is seeking consent for a wind farm development which involves the construction, operation, maintenance and, where relevant, decommissioning.

NSW DCCEEW Water Group has reviewed the Environmental Impact Statement and has recommendations regarding water supply, take and licensing. Please see **Attachment A** for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact NSW DCCEEW Water Assessments [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

Rob Brownbill,  
Manager, Water Assessments, Knowledge Division  
NSW Department of Climate Change, Energy, the Environment and Water

## Attachment A

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### Detailed advice to DPHI Planning & Assessment regarding the Keri Keri Wind Farm (SSD-38358962) (Murray River) - EIS

#### 1.0 Water supply, take and licensing

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##### 1.1 Recommendation – pre-determination

Clarify an ability to obtain a secure water supply for the project, including evidence of agreements where required, and demonstrate sufficient water entitlements can be acquired.

##### Explanation

Insufficient information has been provided to confirm access to a secure water supply for the project. Options to source the 160.5 ML/year required for the project's construction stage have been proposed, however, the ability to obtain the project's water demands from these options has not been demonstrated. Where the water is to be sourced from a currently unauthorised source and/or where additional water take infrastructure is required e.g., a river pump, dam, and or a bore, an impact assessment of this infrastructure development and water take will be required.

##### 1.2 Recommendation – pre-determination

Confirm whether the water access agreements with owners of stock and domestic bores and the impact assessment to supply water for project construction and operational needs have been completed. Work Approvals for the construction and operation of works to take groundwater under a domestic and stock right are not authorised to take water for production purposes unless an exemption applies.

##### Explanation

The EIS notes that the preferred water supply option for the project is to use existing groundwater bores and install additional groundwater bores as required. The proponent needs to be aware that the holder of a water supply work approval that is licensed to take groundwater under a domestic and stock right is not authorised to supply water for production (non stock and domestic) purposes unless a groundwater impact assessment has been completed as part of this project assessment. Additional water supply work approvals will be required for works not assessed or authorised under the project's SSD approval.

##### 1.3 Recommendation – pre-determination

The proponent should review works proposed within waterfront land to demonstrate consistency with the Guidelines for Controlled Activities on Waterfront Land available at: <https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines>.

##### Explanation

No consideration of the Guidelines for Controlled Activities on Waterfront Land has been given for any of the project's works. This is believed to be due to the assumption that the

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watercourses within the project's area are said to not meet the definition of rivers that constitute 'waterfront land' under the *Water Management Act 2000*, and as such the project does not involve works within 40 metres of waterfront land. This is incorrect as there are multiple watercourses that fall within the project area, with the most significant being Abercrombie Creek, a 9th Strahler order watercourse that traverses the south of the project area. Based on the layout of the project, works are likely to occur within 40 metres of watercourses. The project needs to consider the Guidelines for Controlled Activities on Waterfront Land for the watercourses that fall within the project area.

#### 1.4 Recommendation – post approval

The proponent should ensure a water access licence (WAL) is obtained to account for the maximum predicted water take (if this is to occur – see under recommendations 2.0) for construction and operation activities unless an exemption applies under the *Water Management (General) Regulation 2018*.

##### Explanation

Under the *Water Management Act 2000*, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of the *Water Management (General) Regulation 2018* applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as:

- the water is not taken for consumption or supply;
- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- the records are kept for 5 years.

Further information on these requirements and other information on licensing and approvals, exemptions, including an exemption application form and a form to report and record water taken can be found at:

<https://water.dpie.nsw.gov.au/licensing-and-trade>

A water supply work approval will also be required from the Licensing and Approvals team at NSW DCCEE Water Group for any water take infrastructure, e.g., a pump or bore, where these have not been identified and assessed as part of the project's SSD assessment.

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## 2.0 Groundwater impacts

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### 2.1 Recommendation – pre-determination

The proponent should obtain better groundwater level data to identify if project activities will breach the water table and to estimate the volume of water take due to aquifer interference activities.

#### Explanation

Insufficient information has been provided to confirm potential groundwater impacts and estimations of inflow volumes. Water level depths from 2 bores over a large area is insufficient to categorise water table depths adequately and reliably.

The proponent expects that the groundwater table is not likely to be breached as maximum excavation depths for this project are approximately 5 metres. However, further evidence should be provided to confirm that the groundwater levels across the site will be deeper than maximum excavations depths. If groundwater is to be intercepted, the proponent needs to estimate the volume of groundwater take.

### 2.2 Recommendation – pre-determination

If the take of groundwater is found to be greater than 3 ML per year, the proponent must assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:

- [https://water.dpie.nsw.gov.au/\\_data/assets/pdf\\_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf](https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf)
- [https://water.dpie.nsw.gov.au/\\_data/assets/pdf\\_file/0007/171097/Aquifer-Interference-Assessment-Framework.pdf](https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0007/171097/Aquifer-Interference-Assessment-Framework.pdf)

#### Explanation

The EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. Although a comprehensive groundwater study prior to determination is unnecessary given the perceived low level of risk, NSW DCCEEW Water Group notes that without reliable groundwater levels and take estimations it is difficult to assess the degree of risk. Therefore, the proponent should reliably determine the estimated take volume.

## 3.0 Water utilities

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### 3.1 Recommendation – pre-determination

The proponent should provide additional information about how water is to be sourced for the project and confirm any demands to be placed on the local water utility; specifically, the

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timing of when water will be required, the period potable water will be required and daily anticipated volume for collection and the likely schedule of collection.

#### Explanation

The proponent's documentation indicates the requirement for water to support the construction activities and that water is to be sourced from local suppliers. However, there is insufficient information to confirm the ability to access this volume and determine any impact this may have on the local water utility.

### 3.2 Recommendation – pre-determination

The proponent should detail the number of persons consuming the potable water to confirm that adequate volume has been estimated.

#### Explanation

To ensure accurate estimations of potable water requirements the proponent should provide detail of the number of persons consuming the potable water.

### 3.3 Recommendation – pre-determination

The proponent should provide further detail on where wastewater will be received and whether it will have an impact on treatment facilities owned by the local water utility. Any proposal to use the water and wastewater services of the local water utility should be agreed to by the local water utility.

#### Explanation

Table 6-102 refers to waste from septic tanks being transported to a licensed regulated waste receiver, it is unclear whether this will be a local water utility that can handle the additional demand, and what arrangements need to be undertaken and agreed to.

End Attachment A