



Department of Industry

OUT19/2305

Iwan Davies
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Resource & Energy Assessments
NSW Department of Planning and Environment

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Dear Mr Davies

New England Solar (SSD 9255) EIS Exhibition

I refer to your email of 19 February 2019 to the Department of Industry (DoI) in respect to the above matter.

The department provides the following comments and recommendations sought from relevant branches of Lands & Water and Department of Primary Industries for your consideration in assessment of the proposal.

DoI – Water and Natural Resources Access Regulator

Prior to Project Determination

- The proponent should confirm the ability to obtain the necessary water volumes from a viable source, via an indication of an agreement from a water supplier, confirmed availability of sources on-site or access to alternate authorised sources.
- The proponent should commit to designing the site infrastructure and compound areas to mitigate impacts to watercourses that may occur during flood events.
- The EIS states that watercourse crossings of 1st and 2nd order streams for internal access tracks and electrical cabling will be minimised to the extent practicable. The proponent should prepare these crossings in accordance with the *Guidelines for watercourse crossings on waterfront land* (NRAR 2018).
- The proponent should install a sewerage treatment plans (STP) for the construction accommodation village which may also service any nearby facilities. The Department requests that the location of the STP is not to be located with *Waterfront Land* as per the *Water Management Act 2000*.

Post Project Determination

- The proponent should obtain relevant approvals and licences under the *Water Management Act 2000* before commencing any works which intercept or extract groundwater or surface water (including from on-site dams where necessary) or for any works which have the potential to alter the flow of floodwaters.
- The proponent must prepare a Construction Environmental Management Plan (incorporating an Erosion and Sediment Control Plan) prior to commencement of activities. It is requested that this be undertaken in consultation with the Department of Industry – Lands and Water.

- The proponent should ensure that watercourse crossing plans detail the design of proposed crossings of any higher order stream (ie 3rd order and above). Please prepare these in consultation with Department of Industry - Lands and Water prior to commencement of construction.
- The proponent needs to mitigate the potential for erosion within first and second order watercourses during construction and operation of the project.

DoI – Crown Lands

- The EIS refers to consultation of the *Crown Lands Act 1989*. This Act has been replaced by the *Crown Land Management Act 2016*, and any decisions made by the proponent based on reference to the old Act should be reviewed.
- Any activity which impacts upon Crown land, including Crown roads, must not be undertaken by the proponent without the prior written consent of the department. An application to close a Crown road does not provide permission to undertake any works upon a Crown road, and the making of an application is not a guarantee that the application will be successful. Whilst a Crown road remains the property of the Crown it retains a right of public access. It is strongly suggested that the proponent contact the Crown Roads Project Team on roads.newcastle@crownland.nsw.gov.au in order to discuss potential challenges and options relating to the closure of Crown roads. More information is available on the process of purchasing Crown roads at <https://www.industry.nsw.gov.au/lands/access/roads>.

DPI – Agriculture

- All below ground cabling and infrastructure on Biophysical Strategic Agricultural Land (BSAL) should be removed by the proponent at the end of the project. This position is not reflected in the New England Solar Farm EA (Section 5.5.4 Mitigation measures iv. Decommissioning p. 142) stating that “any underground cabling below 500 mm will remain in-situ following project decommissioning”.

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

Yours sincerely



Liz Rogers
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Lands and Water - Strategy and Policy
 28 March 2019