



OUT21/3155

May Patterson
Planning and Assessment Group
NSW Department of Planning, Industry and Environment

may.patterson@planning.nsw.gov.au

Dear Ms Patterson

**Oxley Solar Farm (SSD-10346)
EIS**

I refer to your email of 10 March 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by NRAR.

Prior to Approval

- As a standpipe/pump is proposed on the Gara River/Commissioners Waters an impact assessment on the local hydrology and ecology is required of the works construction and take of water from the extraction point. This impact assessment is also needed to address the relevant trading and access rules in the Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources. It is also required to enable relevant exclusions to apply for the requirement to obtain a water supply work approval under the *Water Management Act 2000*. Assessing against the total volume of entitlement in the water source as provided in the EIS is not adequate to confirm water availability or to assess local impacts.
- Demonstrate the ability to access sufficient entitlement by identifying potential willing sellers or available entitlement to trade with. The proponent is yet to demonstrate the ability to acquire a water entitlement to account for potential water take from the unregulated Gara River or Commissioners Waters water source. Whilst there is sufficient entitlement available in these water sources there are limited licences available and limited evidence of active trading hence this needs to be addressed to mitigate a potential risk to the project.
- Confirm the availability and access to viable water supplies where this is to be provided from a water supplier, or existing authorised sources including farm dams. Insufficient information has been provided to confirm access to a secure water supply for the 130ML of construction water and 22ML of ongoing operation water for this project. Options have been proposed such as a standpipe on a river, the use of dams which are subject to rainfall/evaporation, rainwater tanks and tankering to the site. However the ability to obtain the necessary water from these sources and the associated agreements and impact assessments has not been provided. This represents a commercial risk to the project.

Post Approval

- Following the land subdivision, the size of farm dams needs to be reviewed to ensure the dam size does not exceed the Maximum Harvestable right Dam Capacity (MHRDC) for each landholding. If the MHRDC is exceeded the dams will need to be resized or relevant approvals and licences sought under the *Water Management Act 2000*.
- Access roads within floodplains should be constructed to less than 150 millimetres above the natural ground to align with the exemption for flood work approvals in Clause 50 of the *Water Management (General) Regulation 2018*.
- The proponent should prepare a Construction and Operational Environmental Management Plan (incorporating an Erosion and Sediment Control Plan) prior to commencement of activities.
- The proponent must 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).
- The proponent must ensure that relevant nomination of work dealing applications for Water Access Licences proposed to account for water take by the project have been completed prior to the water take occurring.
- The proponent must comply with the rules of the relevant water sharing plans.
- Works within waterfront land are in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018).

Any further referrals to DPIE Water and NRAR can be sent by email to:
landuse.enquiries@dpie.nsw.gov.au.

Yours sincerely



Liz Rogers
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9 April 2021