

## Kane Winwood - NOW's response to DoP call for input to modifications to Penrith Lakes Scheme

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**From:** Robert O'Neill  
**To:** kane.winwood@planning.nsw.gov.au  
**Date:** 17/12/2010 2:05 PM  
**Subject:** NOW's response to DoP call for input to modifications to Penrith Lakes Scheme  
**CC:** Greg Russell; Janne Grose; Mark Mignanelli; Marwan El-Chamy; Richard Nevill  
**Attachments:** Government Gazette 13 February 2009 pp1017-1018.pdf

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Hi Kane,

Thank-you for sending me the package of material relating to assessment of the Penrith Lakes Scheme's Wildlife Lake Weir and Pipeline Modifications.

The NSW Office of Water are providing input to this process via the Penrith Lakes Task Force, of which I am a member. Our concerns are focused on the volumetric water supply related issues and the possible water related impacts on other users and the surrounding environment.

In the context of the broader Lakes proposal, it is important that the water supply be appropriately licensed. With the proposal to access water from the Nepean River, the Scheme needs to hold adequate licensed volume to reflect the water taken from this water source. I have been advised that the Scheme currently holds a little more than 3GL of water licences. Based on recent hydrologic modelling, this is approximately consistent with the amount of water that will be retained within the overall Scheme.

NOW also seeks an assessment of the likely groundwater interaction between the Wildlife Lake and the surrounding shallow groundwater (known as the Hawkesbury Alluvials Groundwater Source). Recent discussions with PLDC have indicated that much of the site will in effect be lined to prevent groundwater interaction through the replacement of the sandy/clay material that is superfluous to their sand/gravel mining operations. NOW seeks confirmation that this is the case with the Wildlife Lake, ie that there will be no interaction with the shallow Hawkesbury Alluvials Groundwater Source.

However, if this is not the case, NOW's preliminary groundwater investigation indicates that the likely scenario is ingress into rather than egress of water out of the Lakes. Under the ingress scenario, then NOW's preferred position is to minimise this ingress through some form of clay liner or impermeable barrier to prevent the inflow. If this is not practical, then the water ingress should be licensed. The Hawkesbury Alluvials Groundwater Source is considered fully allocated and subsequently embargoed (see attached) from new licence applications. Therefore accounting for this inflow will need to be done by acquiring water access licences from the Hawkesbury Alluvials. Quantification of this ingress will be required to determine the appropriate licensed volume. If there is not enough licensed volume available, then the ingress needs to be reduced to the point where it can be appropriately licensed.

If however the assessment indicates that there is likely to be egress from the Lake, a full understanding of the relative water quality between the Lake and the Hawkesbury Alluvials groundwater is important to prevent contamination of the groundwater source.

Any works located within 40m of the river (eg the outlet pipeline b/w the Wildlife Lake and the river) are likely to be considered Controlled Activities and therefore an approval may be required for these works, considering the DoP consent is not under Part 3A. I recommend the proponent contact Marwan El-Chamy (02 4224 9722) of our Licensing Branch to discuss the relevance and requirements of a Controlled Activity approval, with regard to both the proposed Weir and the pipeline to the river.

NOW is not aware at this point in time of any other concerns relating to the shape of the Wildlife Lake itself or the design and location of the flood control weir and pipeline, that are within the scope of NOW's responsibilities.

Regards,

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**WATER ACT 1912**

Order under Section 113A

Embargo on any Further Applications for Part 5 Licences  
Hawkesbury Alluvials Groundwater Source

PURSUANT to section 113A of the Water Act 1912, I, DAVID HARRISS, having delegated authority from the Water Administration Ministerial Corporation, upon being satisfied that the Water Shortage Zone specified in Schedule 1 is unlikely to have more water available than is sufficient to meet the requirements of the licensees of the bores situated within the Water Shortage Zone, and the other requirements determined for water from the Water Shortage Zone, do, by this order, place an embargo to prevent any further applications for licences being made under Part 5 of the Water Act 1912 with respect to the Water Shortage Zone specified in Schedule 1, except as specified in Schedule 2 of this Order.

Any terms that are defined in Schedule 3 of this Order have the meanings set out in that Schedule.

This Order takes effect on and from the date it is published in the NSW Government Gazette and remains in force until repealed or modified by further order.

This Order repeals any previous Orders made under section 113A of the Water Act 1912 for the Water Shortage Zone specified in Schedule 1 of this Order.

Dated at Sydney this 11th day of February 2009.

DAVID HARRISS,  
Deputy Director-General,  
NSW Department of Water and Energy,  
Signed for the Water Administration Ministerial Corporation  
(by delegation)

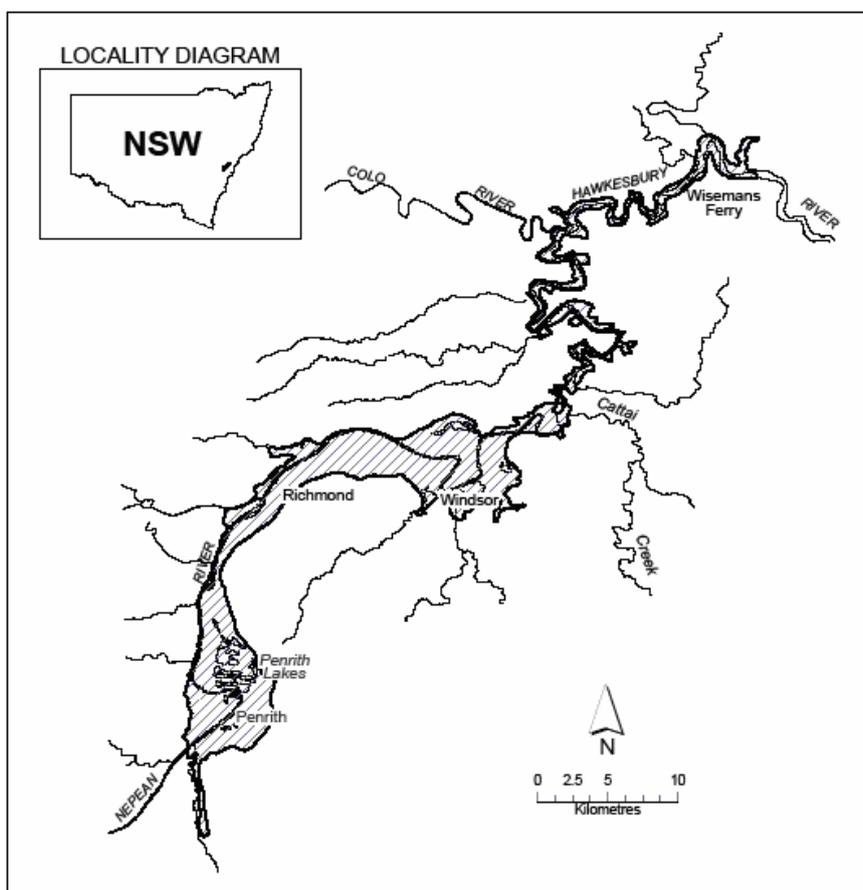
Note: In accordance with section 113A (6) of the Water Act 1912 this order does not apply to:

- (a) an application for a renewal of a licence, or
- (b) an application for a licence for a bore to replace some other licensed bore that the applicant has ceased to use, or
- (c) an application for a licence for a bore to produce water to satisfy a water allocation arising from the transfer of a water allocation under section 117J.

**SCHEDULE 1**

Water Shortage Zone

All groundwater in the Hawkesbury Alluvials Groundwater Source which is within the hatched area on the diagram below.



## SCHEDULE 2

## Exemptions

Applications for licences under Part 5 of the Water Act 1912 may continue to be made for any of the following purposes:

1. A bore to supply water for stock watering.
2. A bore to supply water for domestic consumption on any landholding not supplied by a reticulated urban water supply system.
3. Water for urban water supply.
4. Water supply for community recreational facilities located on public land up to 5 megalitres per annum.
5. Monitoring and test bores for groundwater investigation and/or environmental management purposes.
6. Water supply for Aboriginal cultural purposes up to 10 megalitres per annum.
7. Bores providing water supply for emergency services including, but not limited to fire fighting.
8. Conversion of a test bore licence to a production bore licence if that test bore licence was in force on the date this Order is made. This exemption expires 12 months from the date of this Order.
9. Bores required for integrated development where general terms of approval with respect to such bores have been provided by the Department of Water and Energy prior to the commencement of this Order and for which a development consent has been granted.
10. A dewatering activity taking up to 10 megalitres per annum.

## SCHEDULE 3

## Dictionary

**Development consent:** has the same meaning as defined in the Environmental Planning and Assessment Act 1979;

**Domestic consumption:** has the same meaning as defined in section 52 of the Water Management Act 2000;

**Integrated development:** has the same meaning as defined in the Environmental Planning and Assessment Act 1979;

**Public land:** has the same meaning as defined in the Local Government Act 1993 Dictionary;

**Public road:** has the same meaning as defined in the Roads Act 1993;

**Recreational facilities:** includes, but is not limited to parks, playgrounds, ovals, sporting grounds, golf courses and gymnasiums but excludes any commercial operations relating to those activities;

**Stock watering:** has the same meaning as defined in section 52 of the Water Management Act 2000;

**Urban water supply:** is the reticulated water supplied by Sydney Water Corporation, a local council or water supply authority.