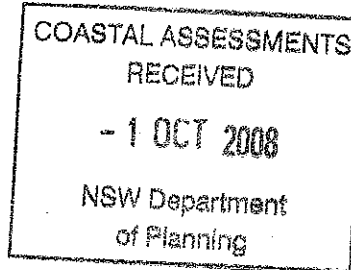




NSW Government
Department of Water & Energy



Ms Heather Warton
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File: ☐
Our Ref: ER20260

*KEW
11/10/08
to make
scheduled*

30 September 2008
Attention: Jane Flanagan

Dear Ms Warton

**Subject: Major Project (MP06-0008) –Hotel/serviced apartments Lot 4 DP 585556,
3 Clyde Street, Batemans Bay – Eurobodalla LGA – Environmental Assessment**

Thank you for your letter of 18 August 2008 seeking seeking comment from the Department of Water and Energy (DWE) on the Environmental Assessment (EA) for the proposed project.

Specific comment on the EA and supporting documentation is outlined in Attachment A and the Department's recommended Conditions of Approval are provided at Attachment B.

The Department's issues are in relation to:

- groundwater
- the use of local native plant species in any landscaping of the site to support to a minor degree a riparian improvement.

Contact Details:

Should you have any queries in respect to this matter, please contact Jeff Hunt on (02) 4904 2634 at the Newcastle office or myself on (02) 9895 7651 at the Parramatta office.

Yours sincerely

Janne Grose

for
Jeff Hunt
Senior Project Planner
Major Projects and Planning



ATTACHMENT A

Major Project - Hotel/Serviced Apartments - Clyde St, Batemans Bay

Environmental Assessment

Department of Water and Energy – Key Issues

Groundwater

Section 4.6.1 of the EA refers to the need for 'unforeseen dewatering' (page 42). If the proposal is likely to intercept or use groundwater a Licence under Part V of the *Water Act 1912* is required in relation to this development. All proposed groundwater works including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified and approval obtained from DWE prior to their installation.

The Department's recommended conditions of approval with respect to temporary groundwater dewatering are attached (please note this is not the actual licence). They are the conditions under which DWE would, in principle, accept the proposed development activity.

The Department will not allow any proposal that requires permanent or semi-permanent pumping/extraction of the groundwater to protect the buildings. Therefore the proposal must ensure it will not require this style of facility or activity.

The construction of any structure that may be impacted by groundwater, will require a water proof retention system (i.e. a fully tanked structure) with an adequate provision for future fluctuations of the watertable level.

In regard to the proposed demolition of the existing motel complex, the Department does not have a role in licensing these activities provided they do not impact on groundwater.

The technical documentation required by the conditions of approval must be provided to the Department at the time of application for a Water Licence for **temporary construction dewatering**.

Riparian Land

Stream Mapping - Riparian Corridor Objective Setting:

The former DIPNR has developed a stream classification system (Riparian Corridor Objective Setting – (RCOS)) to identify minimum riparian corridor widths along watercourses. The RCOS stream classification uses three categories which reflect the environmental significance of watercourses.

The minimum widths to achieve the riparian categories are as follows:

- Category 1 – Environmental Corridor (Red):
 - Purpose: to protect and enhance ecological connectivity between key remnant native vegetation.

- Minimum width : a CRZ width of **40 metres** (measured from the top of bank) along both sides of the watercourse + a **10 metre** vegetated buffer.

Where there is a major waterway such as the Clyde River, DWE recommends a minimum 90 m (measured from top of bank) be established along both sides of the waterway to enable environmental corridor functionality to be established.

- Category 2 – Terrestrial and Aquatic Habitat (Green):
 - Purpose: to provide for a viable and robust node or reach of riparian habitat (both aquatic and terrestrial).
 - This habitat does not necessarily provide connectivity to other key remnant native vegetation due to constraints from existing development.
 - Minimum width: a CRZ width of **20 metres** (measured from the top of bank) along both sides of the watercourse + a **10 metre** vegetated buffer.
- Category 3 – Bank Stability and Water Quality (Blue):
 - Category 3 recognises the critical role of riparian vegetation for stabilising the bed and banks of watercourses and filtering catchment run-off and the contribution this makes to overall catchment health and retention of land (eg protection of property and assets).
 - Minimum width: a CRZ width of **10 metres** (measured from the top of bank) along both sides of the watercourse (generally no buffer is required)

Please note, the above riparian widths are minimum widths and opportunities for achieving greater corridor widths are encouraged. Additional width may be required for geomorphological and environmental considerations (eg to protect and enhance remnant native vegetation adjacent to the riparian corridor and biodiversity). The riparian corridors should be protected and/or enhanced with native riparian vegetation.

Stream Mapping at the site:

As noted above, the Clyde River is a Category 1 watercourse. The Department recognises, however that the subject site is located in an area of high urban development which means there is limited opportunity to gain any direct outcome for the Category 1 nature of the Clyde River in this urban waterfront vicinity.

While the proposal is unlikely to be able to achieve any significant riparian improvements, it is suggested that any landscaping of the site use local native plant species to support to a minor degree the Category 1 objectives, particularly if landscaping could be included along the front of the site which fronts onto Clyde Street. (note: the best opportunity for riparian improvements in this locality would be to strategically establish clumped/planted local native species in the Council owned car park opposite the site).

ATTACHMENT B

Major Project – Hotel/Serviced Apartments - Clyde St, Batemans Bay

Environmental Assessment

Department of Water and Energy – Recommended Conditions of Approval

Licences under Part V of the *Water Act 1912* are required for the works for purposes of **temporary dewatering** as part of proposed construction.

1. General and Administrative Issues.

- a. Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- b. Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the DWE or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the DWE for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the DWE that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the DWE.
- e. Suitable documents are to be supplied to the DWE of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
 - Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be reinjected.

- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

2. Specific Conditions.

- a. The design of the structure must preclude the need for permanent dewatering.
- b. The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the DWE on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the DWE). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the DWE for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated tailwater **that is not to be reinjected**, must satisfy all requirements of any controlling authority (i.e. the NSW Department of Environment and Climate Change, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to the DWE and the consent authority.
- g. Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of the NSW Department of Environment and Climate Change and the DWE. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.

- Written advice from the NSW Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- h. Written advice be provided from the Certifying Authority to the DWE to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

3. Formal Application Issues.

- a. An application must be completed on the prescribed form for the specific purpose of **temporary construction dewatering** and a licence obtained from the DWE prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- b. Upon receipt of an approved development application from, a fully completed licence application form and all required supporting documentation, DWE will issue a Water Licence under Part V of the *Water Act, 1912*.
- c. A licence application under Part V of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

END OF CONDITIONS OF APPROVAL