



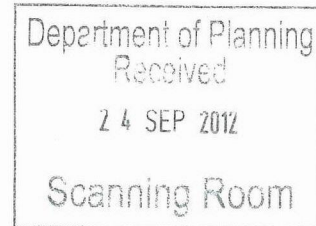
Department of  
Primary Industries



OUT12/23153

19 SEP 2012

Mr Andrew Hartcher  
Major Projects - Industry  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001



Dear Mr Hartcher,

**Whytes Gully landfill extension (MP11\_0094)  
Response to exhibition of Environmental Impact Statement**

I refer to your letter of 31 July to the NSW Office of Water, a division within the Department of Primary Industries (DPI) in respect to the above matter.

The Office of Water advises the comments in Attachment A. For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262 or at: [Janne.Grose@water.nsw.gov.au](mailto:Janne.Grose@water.nsw.gov.au).

It is requested that future aspects of this proposal be referred to DPI as a whole for appraisal. Referral is to be made to [landuse.enquiries@industry.nsw.gov.au](mailto:landuse.enquiries@industry.nsw.gov.au). Internal referral will then be made to relevant DPI divisions, including NSW Office of Water.

Yours sincerely

Phil Anquetil  
**Executive Director Business Services**

## Attachment A

### Whytes Gully landfill extension (MP11\_0094)

#### Response to exhibition of EIS

#### Comment by NSW Office of Water

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#### Groundwater

##### Groundwater Beneficial Uses

Section 12.2.2 of the environmental assessment (EA) states there is a “moratorium on new entitlements under the Greater Metropolitan Water Sharing Plan” (page 159, volume 1). Under the Water Sharing Plan (WSP), entitlements will be released in the future under a controlled allocation order. The mechanism for controlled allocation is yet to be communicated by the NSW government but there is not a moratorium on new entitlements.

##### Groundwater Dependent Ecosystems

The EA provides insufficient details on Groundwater Dependent Ecosystems (GDEs) to assess the potential impact of the proposal on GDE's. Section 12.2.2 of the EA indicates a number of actions have been undertaken to assess the potential presence of high value GDE's in the vicinity of the site. The EA notes the actions include a review of high value GDEs presented in the WSP for the Greater Metropolitan Region and the review found there are no known high value GDEs within at least 10 km of the site (page 159). The section on GDE's contradicts with the Groundwater Beneficial Uses section which indicates Dapto Creek “*may receive baseflow from groundwater in the alluvial deposits*” (page 159).

The assessment of GDEs should not be limited to high value GDEs. The EA should have given consideration to all GDEs that may occur at the local scale. There is a strong likelihood that GDEs occur downstream of the site in association with surface water flow. The EA needs to demonstrate a sound understanding of surface water and groundwater interaction particularly as Dapto Creek is located down gradient of the site and may receive baseflow from groundwater. An assessment at the local scale needs to be undertaken in the surrounding area.

##### Licences

Table 2.1 in the EA notes the project would involve the installation of bores on the site to enable monitoring of groundwater quality (page 18). The table notes licences as prescribed under Section 112 have been received. The licences may be subject to a conversion process to convert them to Water Management Act authorisation.

#### Surface Water

Section 12.3.2 of the EA notes there are “*no known uses of Dapto Creek and Mullet Creek downstream of the project site*” (page 163). While there may be “no known uses” in relation to surface water extraction, the downstream environment (GDEs etc) should not be discounted as a user of Dapto Creek and Mullet Creek.

The proposed commitment by the proponent to continue to collect samples in Dapto Creek is supported (p 163) so as to confirm surface water quality characteristics prior to construction, during construction and during operation (p 169).

## **Riparian Land**

Section 3.5.4 of the Terrestrial and Aquatic Flora and Fauna Assessment (TAFFA) in Appendix F refers to the RCMS riparian buffer widths to be considered in the planning and design of the proposal. The EA (Section 13.3 ) and Section 4.2 of the TAFFA recommends as a mitigation measure to maintain suitable buffer distances from nearby waterways based on the stream orders of waterways and the subsequent categories identified within the Wollongong DCP (2009). It should be noted the riparian land management section in Wollongong DCP 2009 (Chapter E23) is not based on stream order but on the DIPNR (2004) Riparian Corridor Management Study. Map 7 in DIPNR (2004) is the relevant riparian map for the Whytes Gully site. It is not clear how the recommended buffer distances shown on Figure 9 in Appendix F have been derived.

### **Table 21.1 – Draft Statement of Commitments**

#### **Flora and fauna**

The 12<sup>th</sup> dot point under Flora and Fauna (page 256, Volume 1) refers to maintaining suitable buffer distances from nearby waterways and it notes these buffer distances are based on stream orders of waterways and the subsequent categories identified within the Wollongong City Council Development Control Plan 2009. As noted above, the riparian land management section in Wollongong DCP 2009 (Chapter E23) is not based on stream order but on the DIPNR (2004) Riparian Corridor Management Study.

The 14<sup>th</sup> dot point under Flora and Fauna (page 256) to extend the current water quality monitoring program on Dapto Creek should reflect that there is to be a combined surface water and groundwater monitoring program to gain an understanding of surface water and groundwater interaction and to assess potential impacts on the downstream environment including Dapto Creek and GDEs.

**End Attachment A**

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