Department of Planning and Environment

Gavin Ho
Planning and Assessment Group
NSW Department of Planning and Environment

Email: gavin.ho@dpie.nsw.gov.au
11 March 2022

Contact: DPE Water Assessments

Email: water.assessments@dpie.nsw.gov.au

Our ref: OUT22/1618

Dear Mr Ho

Re: Alterations and additions to St Philip's Christian College Cessnock campus (SSD-10360337)(Cessnock City) EIS

I refer to your email of 15 February 2022 to the Department of Planning and Environment (DPE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The proposal is for alterations and additions to an existing school known as St Phillip's Christian College at the Cessnock City Campus. The application seeks approval for additional buildings and infrastructure that will facilitate the school's growth over the next 20 to 30 years. The development will be constructed over 10 stages.

DPE Water and NRAR require further information regarding water take, water entitlement, basins/wetlands, groundwater and surface water impacts.

Any further referrals to DPE Water and NRAR can be sent by email to water.assessments@dpie.nsw.gov.au. or to the following coordinating officer within DPE Water:

Liz Rogers, Manager Assessments
E: liz.rogers@dpie.nsw.gov.au
M: 0428 600 421

Yours sincerely

Simon Francis
Senior Project Officer, Assessments, Knowledge Division
Department of Planning and Environment: Water

Attachment A

Detailed advice to DPE Planning & Assessment regarding the St Philip's Christian College Campus (SSD 10360337) Environmental Assessment

1.0 Water take and entitlement

1.1 Recommendation – Prior to Determination

That the proponent:

- Quantify the maximum annual volume of water take due to aquifer interference activities required for the project and demonstrate sufficient entitlement can be acquired in the relevant water source unless an exemption applies under Schedule 4 of the Water Management (General) Regulations 2018.
- Complete a review of proposed changes to existing basins/wetlands and proposed new basins/wetlands that will capture runoff against the requirements of the water regulatory framework. The key elements to consider are as follows:
    - The maximum retention capacity of dams on minor streams need to be considered for whether it is within the Maximum Harvestable Right Dam Capacity (MHRDC) for the property or satisfies an exclusion in Schedule 1 of the Water Management (General) Regulation 2018.
    - Water holding structures on minor streams that exceed the MHRDC or do not satisfy an exclusion need to be either; 1) resized to within the MHRDC, 2) constructed to prevent runoff capture or 3) considered for licensing.
    - Where licensing is required the proponent will need to demonstrate the ability to acquire sufficient entitlement.

1.2 Explanation

- Inadequate assessment has been provided to quantify the water take due to aquifer interference associated with project. Appendix G18 Preliminary Geotechnical Investigation Report indicates groundwater interception is likely to occur however no predictions are provided of water take. In accordance with the NSW Aquifer Interference Policy groundwater take needs to be quantified and accounted for.
- Note that for projects where the predicted capture and/or movement of groundwater is less than 3 ML/yr, an exemption of the requirement to hold an access licence is available under Schedule 4 of the Water Management (General) Regulations General 2018 subject to conditions or measuring take.
- Clarification is requested of how the additional basins/wetlands and changes to existing basins/wetlands fit within the regulatory framework for water licensing. The report indicates the requirement for additional sediment basins, conversion of some basins to permanent ponds/wetlands and increased capacity in others. No reference however has been provided of how they fit within exemption provisions or licensing requirements. Dams on minor streams which capture runoff and are designed to hold water need to be considered under either the Maximum Harvestable Right Dam Capacity (MHRDC), a relevant exclusion under Schedule 1 of the Water Management (Regulation) 2018, or for the need to hold entitlement. A review is requested of the proposed surface water structures against the regulatory framework.

2.0 Groundwater impact

2.1 Recommendation – Prior to Determination

That the proponent complete an assessment of impact against the 'minimal impact considerations' of the NSW Aquifer Interference Policy.

2.2 Explanation

All SSD/SSI projects that intercept the water table require an assessment against the 'minimal impact considerations' of the NSW Aquifer Interference Policy (AIP). It is the responsibility of the proponent to present on the potential impacts of the project submitted for approval under the *Environmental Planning Assessment Act (1979)*. (see: https://www.industry.nsw.gov.au/__data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf)

3.0 Surface water impact

3.1 Recommendation – Prior to determination

That the proponent refer to the NSW River Styles Database and confirm if likely geomorphic impacts of the project on downstream environments may occur and identify mitigation options to prevent incision, erosion and infrastructure damage.

3.2 Recommendation – Post approval

Outlets onto watercourses must be in in accordance with the NRAR Guidelines for Controlled Activities on Waterfront Land. The NRAR Guidelines can be found at https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities/guide

3.3 Explanation

The EIS does not adequately consider the requirements of the *Water Management Act 2000*. Section 4.11.2 of the EIS notes that as a SSD, the project is exempt from approval under that Act. However, the development is not exempt from being consistent with the Act and must address the requirements in the SEARs which includes surface water and watercourse impacts.

The EIS has considered off-site flood impacts, but not potential geomorphic impacts arising from increased flood flow velocities. With 24.500 cubic metres of fill into the site, the floodplain for Black Creek will in effect be constricted by the new building footprints. The effects of such constrained flow during peak flood events has not been explored. The proponent should, with reference to the NSW River Styles Database, consider the likely geomorphic impacts of the project on downstream environments, most notably the broad bridge crossing Black Creek on Lomas Lane. Mitigation options to prevent incision, erosion and infrastructure damage may need to be explored.

End Attachment A