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Pamela Morales
Planning Group
NSW Department of Planning, Housing and Infrastructure (DPHI)

Email: pamela.morales@planning.nsw.gov.au

31/07/2025

Subject: Kurnell Refinery Conversion MOD 7 (SSD-5544-Mod-7) - Modification Report

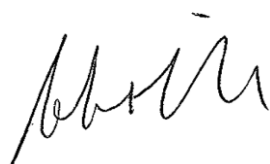
Dear Pamela Morales,

I refer to your request for advice sent on 7 July 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

NSW DCCEEW Water Group has reviewed the Modification Report and has recommendations regarding water supply, take and licensing and groundwater impacts. Please see Attachment A for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dpie.nsw.gov.au.

Yours sincerely



Rob Brownbill,
Manager, Water Assessments, Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the Kurnell Refinery Conversion MOD 7 (SSD-5544-Mod-7) - Modification Report

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm the potential groundwater inflow volumes. DCCEE Water notes that the groundwater table will be intercepted. Maximum excavation depths for this project will be up to 4.5 mbgl. While the exemption for water take for less than 3 ML a year (Schedule 4 Clause 7 of the *Water Management (General) Regulation 2018*) has been mentioned by the proponent, no estimations of water take have been provided to confirm the applicability of the exemption. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required.

1.2 Recommendation – post approval

DPHI requests the proponent to ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the *Water Management (General) Regulation 2018* (WM Reg).

Explanation

Under the *Water Management Act 2000*, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the *Water Management (General) Regulation 2018* applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 2 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 7, sch 4 of WM Reg). To claim either of these exemptions certain requirements must be met, such as

- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- the records are kept for 5 years.

Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: <https://water.dpie.nsw.gov.au/licensing-and-trade> and [Groundwater access licence exemptions | NSW Government Water](#).

2.0 Groundwater impacts and dewatering requirements

2.1 Recommendation – pre-determination

If the take of groundwater is found to be greater than 3 ML per year, DPHI should ensure the proponent assesses impacts due to aquifer interference activities, including potential impacts on groundwater dependent ecosystems, in accordance with the NSW Aquifer Interference Policy and framework (2012). Please refer to the following documents:

- https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf
- https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0007/171097/Aquifer-Interference-Assessment-Framework.pdf

Explanation

As per Recommendation 1.1 above, the Modification Report has not provided a volumetric quantification of groundwater take. Additionally, the Modification Report has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.

Additionally, potential acid sulfate soils (PASS) have been identified at depths greater than 2 m below ground level (mbgl) in parts of the site. Page 73 notes the potential for >1,000 tonnes of PASS to be excavated. Water from PASS dewatering will be treated via the WWTP under EPL conditions. No further information is provided regarding water quality management for PASS. Other key contaminants of potential concern (COPC) within the Project Area include, petroleum hydrocarbons (PHC), per- and polyfluoroalkyl substances (PFAS), and Asbestos in soil. Without a defined extraction volume, and with only limited information, it is unclear whether the WWTP has sufficient capacity to manage the dewatering load and process that defines whether the groundwater is unsuitable for on-site treatment, or when it will be transported to a licenced offsite waste facility.

3.0 Activities on waterfront land

3.1 Recommendation – pre-determination

DPHI should ensure the proponent's works within waterfront land are in accordance with the Guidelines for Controlled Activities on Waterfront Land.

Explanation

Excavation and remediation works including temporary stockpiles are proposed on waterfront land, within 40m of mapped coastal wetlands. The guidelines can be found here: <https://water.dpie.nsw.gov.au/our-work/licensing-and-approvals/controlled-activity-approvals#guidelines-for-controlled-activity-approvals>.

End Attachment A
