

## Memo

<b>Date:</b>	10 June 2022
<b>Re:</b>	Response to request for additional information
<b>Project Name:</b>	Ivanhoe Estate (Midtown), Stage 2 SSDA
<b>Project No:</b>	SSD-15822622

### Comments:

The following table provides a response to the matters raised in the letter from the Department of Planning and Environment – Water dated 7 June 2022.

DPE-Water Comment	Response
1.1 Recommendation – Prior to Determination Demonstrate adequate groundwater entitlements can be obtained for the project's expected water take during construction and for all ongoing operational take.	<p>The necessary temporary and permanent groundwater entitlements will be secured, and evidence provided to the Certifier and Planning Secretary, prior to commencing excavation works on the site.</p> <p>This is consistent with the purpose of the entitlements which are to authorise the proposed take prior to this occurring. A comparable example of this is Condition B89 of the Stage 1 DA (SSD-8903), requiring that the necessary biodiversity offset credits are obtained prior to vegetation clearing commencing.</p> <p>It is important to note that DPE-water confirmed in correspondence dated 28/02/22 that:</p> <p><i>"The relevant water source, Sydney Basin Central Groundwater Source has 4029.5 units of issued entitlement in 187 WALs. The Water Sharing Plan indicates the LTAAEL is 45915ML showing significant unassigned water exists and that the water source is not fully committed".</i></p> <p>Knowing there is significant capacity available, the proponent has already commenced the process to obtain entitlement by registering their interest for the next release of entitlements. Frasers/LAHC eagerly await a response from DPE-water in this regard.</p>
1.2 Recommendation – Post Approval Sufficient entitlements must be held prior to the start of works. This includes both permanent entitlements for any additional take during construction.	<b>This recommendation is agreed. The proponent supports an appropriately worded condition of consent to this effect.</b>
1.3 Explanation Insufficient evidence has been provided to demonstrate the ability to obtain adequate water entitlements. As the basement is to be drained there will be ongoing dewatering therefore permanent water entitlements are required. Water entitlements should be held for the maximum predicted take.	The necessary temporary and permanent groundwater entitlements will be secured, and evidence provided to the Certifier and Planning Secretary, prior to commencing excavation works on the site. These entitlements may be obtained from a controlled allocation or through trading in the market, and will be secured at this appropriate future stage. It is noted that works on the site may not commence for a number of months or years depending on staged construction requirements.

Further to the above, Frasers/LAHC are eager to work with DPE-water for this site and other sites to better facilitate when and how further entitlements will be released. Obtaining entitlements is not an issue with respect to availability for this water source, rather, it is when and how these entitlements will be made available.

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The proponent mentions possibly subdividing this development in the future and aims to apply Clause 7 Schedule 4 of the *Water Management (General) Regulation 2018* to individual lots. The wording of the exemption states it applies per authorised project so subdividing the lots will not make this exempt from requiring a water access licence.

The Dewatering Management Plan and Groundwater Monitoring Assessments consider all buildings in this Development Application as the one project, irrespective of future subdivision in accordance with feedback received during consultation with DPE-Water and NRAR.

We note that the staged subdivision of the site is approved under the Stage 1 DA (SSD-8903).

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2.1 Recommendation – Post Approval  
Outlets onto the adjacent watercourse should be in accordance with the Guidelines for Controlled Activities (NRAR 2018).

The headwall outlets from the Block C4 are generally consistent with the Concept Masterplan approval (SSD 8707). Any headwall works will be undertaken in accordance with NRAR guidelines for works on waterfront land as per the Stage 1 (SSD-8903) approval.

2.2 Explanation  
Any works on waterfront land should be in accordance with the Guidelines for Controlled Activities (NRAR 2018). The Guidelines can be found <https://water.dpie.nsw.gov.au/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

All other headwalls into Shrimptons Creek were approved under the Stage 1 DA.

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Yours sincerely,



Michael Rowe  
Director, Planning