NSW GOVERNMENT | Department of Primary Industries

OUT14/21575

Ms Megan Fu,
Industry, Key Sites and Social Projects
NSW Department of Planning and Environment
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24 JUL 2014

Dear Ms Fu,

Wentworth Point mixed use development (SSD 6387)
Response to exhibition of Environmental Impact Statement

I refer to your email dated 3 June 2014 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by Fisheries NSW
Fisheries NSW has no objections to this proposal provided that the erosion and sediment control measures and water sensitive urban design measures are implemented as stated in the Environmental Impact Statement.

Any authorisation of the proposed temporary road within the riparian zone should ensure that this road is removed and the impacted area is revegetated as soon as possible after construction is completed. It is noted that there is no commitment within the Environmental Impact Statement to remove the temporary road and remediate this area following construction.

For further information please contact Carla Ganassin, Fisheries Conservation Manager, (Wollongong Office) on 4254 5527 or at carla.ganassin@dpi.nsw.gov.au.

Comment by NSW Office of Water
The NSW Office of Water (Office of Water) has reviewed the Environmental Impact Statement (EIS) and provides a number of comments at Attachment A.

An authorisation is likely to be required for the take of groundwater associated with the proposed dewatering to construct the three level basement structure. As such, standard Conditions of Approval likely to be applied to a Part 5 licence under the *Water Act* 1912 authorising temporary dewatering are provided for information at Attachment B.

For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262 or at janne.grose@water.nsw.gov.au.

Yours sincerely

24/7/14

Kristian Holz
Policy, Legislation and Innovation

Attachment A

Wentworth Point mixed use development (SSD 6387)
Response to exhibition of EIS
Additional comments by NSW Office of Water

Riparian Land

The Riparian Corridor Assessment notes current maintenance and weeding of the planted riparian areas within the site has hampered natural regeneration of local native species (page 17). It is recommended that future maintenance and management practices of the riparian corridor encourage regenerating local native understory species.

The Office of Water supports the Recommended Management Measures proposal to "*where practical retain existing mature vegetation*" within the riparian corridor and to "*undertake post construction revegetation and restoration of disturbed riparian areas as part of the landscaping works*" (page 22).

As part of the SSD proposal, the Office of Water recommends that a Vegetation Management Plan (VMP) is prepared in accordance with the Office of Water Guidelines for Vegetation Management Plans (June 2012) to provide details on the proposed rehabilitation, maintenance and future management of the riparian corridor, including:

- a scaled plan which shows the location of the existing mature vegetation that is proposed to be retained and the riparian areas that are proposed for revegetation,
- encouraging landscaping on the development site to consist of native species from the relevant local vegetation community (particularly near the riparian corridor),
- removal and rehabilitation of temporary structures within the riparian corridor such as the temporary access road,
- maintenance requirements / weed control of the riparian corridor.

Open Channel and Discharge Pipe to the Parramatta River

Section 10.11 of the EIS refers to a 5 metre wide open channel along the western boundary of the site which is intended to convey stormwater and overland flow from Hill Road to the Parramatta River (page 64). The potential impacts of the channel on bed and bank stability of the Parramatta River and existing riparian vegetation should be addressed during development.

The Integrated Water Cycle Management Report (Appendix Q) notes the development site is intended to discharge via two new pipe connections to the Parramatta River (see section 2.3). It is unclear if the pipes will disturb existing riparian vegetation.

The outlet structures should be in accordance with the Office of Water Guidelines for Outlet Structures on Waterfront Land (June 2012).

Controlled Activity Approval

One of the Management Measures included in Table 3 of the RAC includes the need to obtain a controlled activity approval for the proposal from the Office of Water (see page 22). The applicant should be advised a controlled activity approval does not apply to State Significant Development in accordance with Section 89J of the Environmental Planning and Assessment Act.

Groundwater

The EIS notes the proposal includes three basement levels (see for example the Executive

summary, page 9) and Section 11 of the EIS outlines that construction work is to be undertaken in accordance with the Geotechnical Report at Appendix E (see page 69). The Office of Water notes however, that Appendix E refers to a proposed "single basement level" and not three basement levels as recorded in the EIS and Appendix T.

Appendix E indicates the groundwater level is at least one metre above the proposed basement level and it will need to be drawn down temporarily to allow for the construction of the basement (see section 5.1, page 4). For the purposes of this review, Office of Water assumes that three basement levels are proposed and that the findings and recommendations provided in Appendix E remain applicable.

Licensing and quantification of expected inflows
Currently, temporary construction dewatering activities remain licensable under the *Water Act 1912* and a licence for temporary construction dewatering activities will be required under Part 5 of the *Water Act 1912.*

A key requirement of the licence application will be to provide a clear prediction of the total volumes of groundwater likely to be dewatered, as well as detailed justification and explanation of methodologies to support that prediction. Details of water management and disposal during dewatering operations will also be required to support the application for dewatering authorisation from Office of Water.

Under the circumstances described in the EIS, the Office of Water is unlikely to support any proposal that requires permanent or semi-permanent pumping/extraction of the groundwater. Therefore the proposal should ensure that adequate construction methods will be used to permanently seal any subsurface voids.

If permanent or semi-permanent extraction of groundwater is unavoidable, the proponent must obtain a water access licence to cover the volume of ongoing take of groundwater.

Standard Conditions of Approval likely to be applied to a Part 5 licence authorising temporary dewatering are provided for information at Attachment B

Construction and Environmental Management Plan
Section 11 of the EIS includes a mitigation measure that a detailed Construction and Environmental Management Plan (CEMP) will be prepared prior to the commencement of the works. The CEMP needs to include procedures to be followed for encountering groundwater during construction works, and include the need to contact the Office of Water in such a situation. It is suggested the Mitigation Measure for the CEMP is amended to include this requirement.

End Attachment A

Attachment B

Wentworth Point mixed use development (SSD 6387)
Response to exhibition of EIS
NSW Office of Water – Recommended Conditions of Approval for Construction Dewatering

These terms do not represent any form of authorisation for the extraction of groundwater

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General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. 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.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply

with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

<u>During excavation</u>

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

<u>Following excavation</u>

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

END OF RECOMMENDED CONDITIONS OF APPROVAL FOR CONSTRUCTION DEWATERING

END ATTACHMENT B