



OUT21/14060

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NSW Department of Planning, Industry and Environment

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Dear Ms Thornton

**Yiribana Logistics Estate (SSD-10272349) –
Environmental Impact Statement (EIS)**

I refer to your email of 23 September 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The proposal involves construction and operation of the proposed development of an industrial estate, to be known as Yiribana Logistics Estate, for warehouse or distribution purposes located at Kemps Creek, NSW. The Concept Masterplan comprises five industrial warehouses and includes ancillary offices, internal road network and a 35 metre environmental corridor.

The proponent will need to provide further details for surface water dewatering and groundwater take and determine if any water licences are required. Additionally, we require further clarity regarding watercourse alignment and the riparian corridor.

Our recommendations and advice regarding water supply/take and licencing, as well as watercourse and groundwater impacts and management are provided in Attachment A.

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

Simon Francis – Senior Project Officer
E: simon.francis@dpie.nsw.gov.au
M: 0428 926 117

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Isaacs'.

Mitchell Isaacs
Chief Knowledge Officer
Department of Planning, Industry and Environment: Water
18 November 2021

Attachment A

Detailed advice to DPIE Planning & Assessment regarding the Yiribana Logistics Estate (SSD-10272349) – Environmental Impact Statement

1.0 Water supply/take and licensing

Recommendation – Prior to Approval

1.1 The Proponent should:

- Provide details of water volumes and proposed water use for the three dams to be dewatered, and if there are any associated water licensing requirements.
- Confirm if any groundwater take is predicted, and if so provide an estimate of the water take and any licensing requirements.

Recommendation – Post Approval

1.2 The proponent must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring.

Explanation

Surface Water

The Natural Resources Access Regulator (NRAR) notes that water demands for the site during operation is to be met using potable water and stormwater re-use. However, the project proposes de-watering of three dams. The proponent should provide an estimate of the volume of these dams and advise on how the water will be used or disposed of. A Water Access Licence (WAL) for surface water may be required if take does not meet harvestable rights requirements.

Groundwater

The EIS states (page 41) that groundwater is unlikely to be intercepted for shallow earthworks but there is a possibility it will be intercepted during retaining wall and trench construction. The EIS also states (page 157) that this intercepted water is not expected to exceed 3ML/year but acknowledges (page 28 of the Groundwater Management Plan) that a WAL must be obtained if this 3ML/year threshold is exceeded, or if taken for the purpose of consumption or supply. This requirement is within Schedule 4 Clause 7 of the *Water Management (General) Regulation 2018*.

The proponent has also indicated that if enough groundwater is intercepted that they would direct it to a water storage pond for on-site re-use for dust suppression, on-site irrigation, wheel washing, topping up neighbouring dams and discharge into an on-site sediment basin. If water is taken for the purpose of consumption or supply, the exemption does not apply.

Given the EIS does not provide any onsite groundwater data, we require further information from the proponent to confirm: if groundwater take is predicted, an estimate of the water take, and whether they can adequately account for this water take.

2.0 Watercourse impact assessment and management

Recommendations – Prior to Approval

2.1 The proponent should maintain a 40 metre riparian corridor in accordance with the *Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)*.

Explanation

In the meeting with Urbis on 3/8/20, NRAR confirmed that it would not support a reduction of corridor width from 40m to 20m in the upstream reaches of the site.

The EIS states (page 61) that: *‘A new riparian area will be constructed comprising a channel that is approximately 5m wide, an inner vegetated Riparian Zone of approximately 10m width on*

either side, and an outer Vegetated Landscape Zone of approximately 5m width on either side.’ The EIS Watercourse Riparian Zones Figure (Figure 3 below), refers to the outer 5m Vegetated Landscape Zone as the Landscape Set-back, and this has not been included in the riparian calculations according to the Figure 3. Therefore, it is unclear whether the Vegetated Landscape Zones are part of the riparian corridor or not. Furthermore, from the plans provided in Appendix K (Civil Plans) the Vegetated Landscape Zones are only present in some sections along the watercourse or on one side (as shown in Figure 3 below).

NRAR notes in the calculation of the riparian corridor, the watercourse should not be included as per the NRAR Guidelines for Controlled Activities, which can be found at: <https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities>

NRAR believes that the proponent actually proposes a total riparian area of 20m which is composed of two 10m wide inner Vegetated Riparian Zones either side of the waterway. Should the Landscape Zones be included in the calculations, it is still less than the 40m recommended corridor width for 2nd order streams. We recommend that a 40 metre riparian corridor be required consistent with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018).

NRAR notes that in the adjacent Aspect Industrial Estate, a 40m riparian zone has been provided.

Additionally, the current zoning of the site (as per the Mamre Road Precinct Plan) includes a 40m E2 Environmental Conservation zone along the watercourse, and NRAR does not support the reduction of that to 25m (as outlined on page 59 of the EIS).

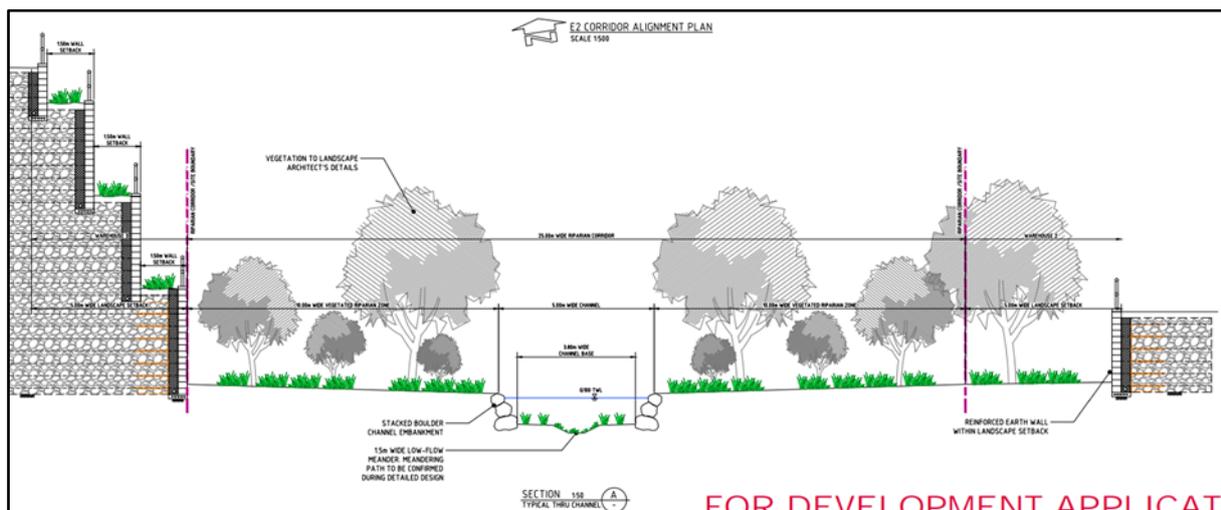


Figure 3 - Watercourse riparian zones (Drawing no. C013874.06-SSDA420 - from Appendix K – Civil Drawings)

2.2 The proponent must ensure that the road 1 crossing maintains natural geomorphic, hydraulic, hydrologic and ecological function, in accordance with the NRAR Guidelines for Controlled Activities.

Explanation

375mm low flow pipes are proposed for the road crossing over the 2nd order watercourse as seen in Figure 6 of Appendix K – Civil Drawings. This could cause issues with higher rainfall events as it appears it may constrict flows by holding water in 2 year ARI events (Figure 7 of Appendix K – Civil Drawings) which may increase velocity causing scour downstream, and increase riparian vegetation impacts through submerging them.

Recommendation – Post Approval

2.3 That the proponent clarify where the water will flow at times of low flow in relation to the proposed channel infrastructure.

NRAR notes that the low-flow meander appears to be currently mapped (significantly) outside of the proposed 5-metre channel width on the upstream (eastern) side.

Explanation

The proponent should provide further details on the low-flow path (as shown in Figure 1 below) regarding the associated channel containment infrastructure. NRAR notes that the channel design appears to change over the course of the site (as seen in Figure 1) from east to west (right to left), and that Figure 2 (below) indicates that this flow path will be contained on the upstream side within a 5-meter-wide channel (contained by rock embankments). NRAR acknowledges the low-flow meander alignment is indicative (and to be confirmed during the detailed design phase), but has concerns regarding the significant distance difference between the low-flow path meanders and the proposed channel path, especially in the eastern/upstream section where the channel is confined to 5 metres wide. NRAR also suggests that Drawing C013874.06-SSDA420 (E2 Corridor General Arrangement Plan from Appendix K – Civil Drawings) should clearly indicate where the location of the cross-sections are mapped.

NRAR notes that in a meeting held with Urbis on 3/8/20, it was agreed that the watercourse within the site was to be re-aligned and that re-alignment should not include any 90 degree sharp meanders, as well as mimic natural stream design to minimise impacts to remanent vegetation areas upstream of the site.

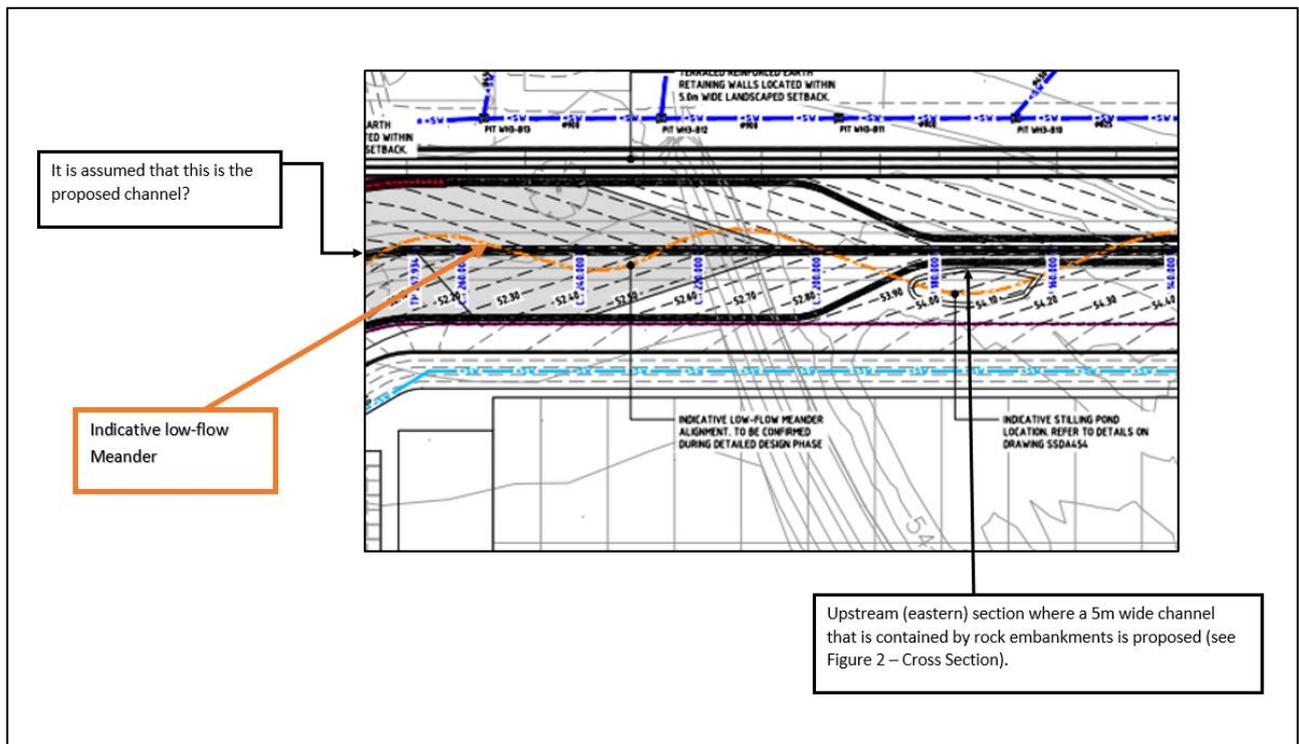


Figure 1 – From Drawing C013874.06-SSDA420 (E2 Corridor General Arrangement Plan) from Appendix K – Civil Drawings

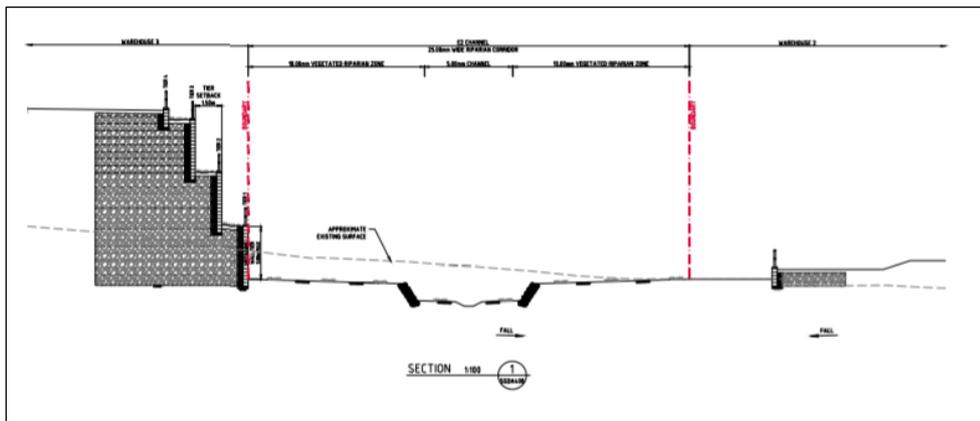


Figure 2 - Upstream/ Eastern Cross-Section (From Drawing C013874.06-SSDA460 - Typical Sections - Sheet 1 - from Appendix K – Civil Drawings)

3.0 Groundwater Impact Assessment and Management

Recommendations – Post Approval

- 3.1 The proponent should drill and install more Geotechnical/monitoring across the site, with better spread to gather subsurface and groundwater level for better representative of the whole site.
- 3.2 If groundwater occurs within cut/excavation depths and a water access licence may be required, the proponent should provide a statement against the 'minimal impact considerations' as required by the NSW Aquifer Interference Policy (AIP) (2012).
- 3.3 The proponent should describe how groundwater take will be monitored, recorded, and reported in the form of Dewatering Management Plan.

Explanation

On review of the EIS, DPIE Water concludes that the proponent has not sufficiently demonstrated that the construction of the Yiribana Logistics Estate will have limited interception of groundwater. As the gauging data for groundwater levels across the Site is limited, a groundwater elevation map cannot be constructed to assess the groundwater flow direction.

DPIE Water accepts that potential for interception of the water table based on the current design is unlikely and the proposed development is not likely to be considered an aquifer interference activity for the purpose of assessment against minimal impact considerations of the NSW Aquifer Interference Policy (AIP) but this position should be supported by inclusion of site data.

Should the works intercept the water table and hence be considered an aquifer interference activity then there needs to be an assessment against the minimal impact considerations of the NSW Aquifer Interference Policy (AIP), if a water access licence is likely to be required.

- 3.3 Stormwater treatment basin and culvert construction for new structures (not approved under previous Modifications) should incorporate either:
 - a. minimum separation distance of 1 m from the high-water table to the base of any stormwater treatment device; or
 - b. an impermeable liner.

Explanation

Construction of new structures, stormwater treatment basin and culvert, are proposed in the EIS which have not been included in previous modifications.