

## Emma Barnet

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**From:** Wayne Jones <wayne.jones@dpi.nsw.gov.au>  
**Sent:** Wednesday, 12 August 2015 11:50 AM  
**To:** Emma Barnet  
**Subject:** West Nowra Recycling and Waste Facility Landfill Extension (SSD\_7178) SEARs

Hi Emma

Please see updated draft DPI comments on the above project which now includes input from Fisheries. No other changes to this morning's email. Sorry for any inconvenience.

Regards  
Wayne

Wayne Jones | Land Use Planning Coordinating Officer  
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OUT15/21059

Ms Emma Barnet  
Infrastructure and Industry Assessments  
NSW Department of Planning and Environment  
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[Emma.Barnet@planning.nsw.gov.au](mailto:Emma.Barnet@planning.nsw.gov.au)

Dear Ms Barnet,

**West Nowra Recycling and Waste Facility Landfill Extension (SSD\_7178)  
Request for input into Secretary's Environmental Assessment Requirements**

I refer to your email dated 29 July 2015 to the Department of Primary Industries in respect to the above matter.

Comment by Crown Lands

Planning documents must provide sufficient information for Crown Lands to determine that the proponent does not propose to:

Direct stormwater discharges, septic or contaminated waste on the adjacent and adjoining Crown land, or

Use the adjacent and adjoining Crown land as effluent management zones or as asset protection zones.

For further information please contact Helen Wheeler, Natural Resource Project Officer (Nowra Office) on 4428 9133 or at [helen.wheeler@crowmland.nsw.gov.au](mailto:helen.wheeler@crowmland.nsw.gov.au).

Comment by DPI Water

DPI Water has reviewed the supporting documentation accompanying the request for Secretary's Environmental Assessment Requirements (SEARs) and provides the following comments, and further detail in **Attachment A**.

It is recommended that the EIS be required to include:

Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.

Assessment of any volumetric water licensing requirements (including those for ongoing water take following completion of the project).

The identification of an adequate and secure water supply for the life of the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased.

Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts on water sources (surface and groundwater).

Description of water disposal methods and water storage structures (existing and/or proposed) in the form of a water balance.

Adequate mitigating, monitoring and contingency requirements to address any potential surface and groundwater impacts.

Full technical details and data of all surface and groundwater modelling.

Proposed surface and groundwater monitoring activities and methodologies.

- An assessment of watercourses/drainage lines on the site and vicinity as well as mitigating measures to minimise impacts on those watercourses and downstream environments. Management of drainage paths should consider DPI Water (former NSW Office of Water) Guidelines for Controlled Activities on Waterfront Land (July 2012). These can be obtained at the following link: <http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>.

Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.

Consideration of relevant policies and guidelines.

A statement of where each element of the SEARs is addressed in the EIS (i.e. in the form of a table).

For further information please contact David Zerafa, Senior Water Regulation Officer (Nowra Office) on 4428 9142 or at [david.zerafa@water.nsw.gov.au](mailto:david.zerafa@water.nsw.gov.au).

#### Comment by Fisheries NSW

Fisheries NSW requests that the Environmental Impact Statement (EIS) for the proposed development should include information on the following:

- Location of works (including site map and photos).  
Name of adjacent waterway(s).

Description of works to be undertaken.

Timing and duration of works.

Description of any aquatic and riparian habitat at or adjacent to the development site.

Analysis of any interactions of the proposed development with any aquatic and riparian environments and predictions of any impacts upon aquatic and riparian environments.

Safeguards to mitigate any impacts upon adjacent aquatic environments and riparian habitats.

Safeguards to mitigate any impacts upon water quality, including impacts downstream into Cabbage Tree Creek and the Shoalhaven River. This should include full details of proposed leachate management, stormwater, road drainage and water quality management for the site (e.g. description and locations of on-site wastewater systems, swales, water quality retention ponds etc.).

Fisheries NSW recommends the use of best practice Water Sensitive Urban Design, and the implementation of appropriate sediment and erosion control regime, and water quality and stormwater management provisions to safeguard and mitigate impacts on water quality downstream.

Fisheries NSW recommends inclusion of appropriate riparian corridors to provide a buffer between the development areas and adjacent waterways or natural drainage lines to provide protection to riparian and aquatic habitats.

For further information please contact Jillian Reynolds, Regional Assessment Officer, [Huskisson office] on 4428 3406 or at [jillian.reynolds@dpi.nsw.gov.au](mailto:jillian.reynolds@dpi.nsw.gov.au).

## Attachment A

### West Nowra Recycling and Waste Facility Extension (SSD\_7178) Request for Input into Secretary's Environment Assessment Requirements General Assessment Requirements - DPI Water

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The following detailed assessment requirements are provided to assist in adequately addressing the assessment requirements for this proposal.

For further information visit the DPI Water website, [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

#### Key Relevant Legislative Instruments

This section provides a basic summary to aid proponents in the development of an Environmental Impact Statement (EIS), and should not be considered a complete list or comprehensive summary of relevant legislative instruments that may apply to the regulation of water resources for a project.

The EIS should take into account the objects and regulatory requirements of the *Water Act 1912* (WA 1912) and *Water Management Act 2000* (WMA 2000), and associated regulations and instruments, as applicable.

#### *Water Management Act 2000 (WMA 2000)*

Key points:

Volumetric licensing in areas covered by water sharing plans.

Works within 40m of waterfront land.

SSD & SSI projects are exempt from requiring water supply work approvals and controlled activity approvals as a result of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.

No exemptions for volumetric licensing apply as a result of the *EP&A Act*.

Basic landholder rights, including harvestable rights dams.

Aquifer interference activity approval and flood management work approval provisions have not yet commenced and are regulated by the *Water Act 1912*.

Maximum penalties of \$2.2 million plus \$264,000 for each day an offence continues apply under the *WMA 2000*.

#### *Water Act 1912 (WA 1912)*

Key points:

Volumetric licensing in areas where no water sharing plan applies.

Monitoring bores.

Aquifer interference activities that are not regulated as a water supply work under the *WMA 2000*.

Flood management works.

No exemptions apply to licences or permits under the *WA 1912* as a result of the *EP&A Act*.

Regulation of water bore driller licensing.

#### *Water Management (General) Regulation 2011*

Key points:

Provides various exemptions for volumetric licensing and activity approvals.

Provides further detail on requirements for dealings and applications.

*Water Sharing Plans* – these are considered regulations under the *WMA 2000*

*Access Licence Dealing Principles Order 2004*

*Harvestable Rights Orders*

#### Water Sharing Plans

It is important that the proponent understands and describes the ground and surface water sharing plans, water sources, and management zones that apply to the project. The relevant water sharing plans can be determined spatially at [www.ourwater.nsw.gov.au](http://www.ourwater.nsw.gov.au). Multiple water sharing plans may apply and these must all be described. The relevant plans for this project site are:

Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011. The project area is within the Lower Shoalhaven River Catchment Management Zone within the Shoalhaven River Water Source.

Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011. The project area is within the Sydney basin South Groundwater Management Zone.

The EIS is required to:

Demonstrate how the proposal is consistent with the relevant rules of the Water Sharing Plan including rules for access licences, distance restrictions for water supply works and rules for the management of local impacts in respect of surface water and groundwater sources, ecosystem protection (including groundwater dependent ecosystems), water quality and surface-groundwater connectivity.

Provide a description of any site water use (amount of water to be taken from each water source) and management including all sediment dams, clear water diversion structures with detail on the location, design specifications and storage capacities for all the existing and proposed water management structures.

Provide an analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of any relevant WSP, including:

- Sufficient market depth to acquire the necessary entitlements for each water source.
- Ability to carry out a “dealing” to transfer the water to relevant location under the rules of the WSP.
- Daily and long-term access rules.
- Account management and carryover provisions.

Provide a detailed and consolidated site water balance.

Further detail on licensing requirements is provided below.

### **Relevant Policies and Guidelines**

The EIS should take into account the following policies (as applicable):

- NSW Guidelines for Controlled Activities on Waterfront Land (NOW, 2012)
- NSW Aquifer Interference Policy (NOW, 2012)
- Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW, 2012)
- Australian Groundwater Modelling Guidelines (NWC, 2012)
- NSW State Rivers and Estuary Policy (1993)
- NSW Wetlands Policy (2010)
- NSW State Groundwater Policy Framework Document (1997)
- NSW State Groundwater Quality Protection Policy (1998)
- NSW State Groundwater Dependent Ecosystems Policy (2002)
- NSW Water Extraction Monitoring Policy (2007)

DPI Water policies can be accessed at the following links:

<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/default.aspx>

<http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/default.aspx>

An assessment framework for the NSW Aquifer Interference Policy can be found online at:  
<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>.

### **Licensing Considerations**

The EIS is required to provide:

Identification of water requirements for the life of the project in terms of both volume and timing (including predictions of potential ongoing groundwater take following the cessation of operations at the site – such as evaporative loss from open voids or inflows).

Details of the water supply source(s) for the proposal including any proposed surface water and groundwater extraction from each water source as defined in the relevant Water Sharing Plan/s and all water supply works to take water.

Explanation of how the required water entitlements will be obtained (i.e. through a new or existing licence/s, trading on the water market, controlled allocations etc).

Information on the purpose, location, construction and expected annual extraction volumes including details on all existing and proposed water supply works which take surface water, (pumps, dams, diversions, etc).

Details on all bores and excavations for the purpose of investigation, extraction, dewatering, testing and monitoring. All predicted groundwater take must be accounted for through adequate licensing.

Details on existing dams/storages (including the date of construction, location, purpose, size and capacity) and any proposal to change the purpose of existing dams/storages

Details on the location, purpose, size and capacity of any new proposed dams/storages.

Applicability of any exemptions under the *Water Management (General) Regulation 2011* to the project.

Water allocation account management rules, total daily extraction limits and rules governing environmental protection and access licence dealings also need to be considered.

The Harvestable Right gives landholders the right to capture and use for any purpose 10% of the average annual runoff from their property. The Harvestable Right has been defined in terms of an equivalent dam capacity called the Maximum Harvestable Right Dam Capacity (MHRDC). The MHRDC is determined by the area of the property (in hectares) and a site-specific run-off factor. The MHRDC includes the capacity of all existing dams on the property that do not have a current water licence. Storages capturing up to the harvestable right capacity are not required to be licensed but any capacity of the total of all storages/dams on the property greater than the MHRDC may require a licence.

For more information on Harvestable Right dams, including a calculator, visit:

<http://www.water.nsw.gov.au/Water-licensing/Basic-water-rights/Harvesting-runoff/Harvesting-runoff>

## **Dam Safety**

Where new or modified dams are proposed, or where new development will occur below an existing dam, the NSW Dams Safety Committee should be consulted in relation to any safety issues that may arise. Conditions of approval may be recommended to ensure safety in relation to any new or existing dams.

See [www.damsafety.nsw.gov.au](http://www.damsafety.nsw.gov.au) for further information.

## **Surface Water Assessment**

The predictive assessment of the impact of the proposed project on surface water sources should include the following:

Identification of all surface water features including watercourses, wetlands and floodplains transected by or adjacent to the proposed project.

Identification of all surface water sources as described by the relevant water sharing plan.

Detailed description of dependent ecosystems and existing surface water users within the area, including basic landholder rights to water and adjacent/downstream licensed water users.

Description of all works and surface infrastructure that will intercept, store, convey, or otherwise interact with surface water resources.

Assessment of predicted impacts on the following:

- flow of surface water, sediment movement, channel stability, and hydraulic regime,
- water quality,
- flood regime,
- dependent ecosystems,
- existing surface water users, and

planned environmental water and water sharing arrangements prescribed in the relevant water sharing plans.

## **Groundwater Assessment**

To ensure the sustainable and integrated management of groundwater sources, the EIS needs to include adequate details to assess the impact of the project on all groundwater sources.

Where it is considered unlikely that groundwater will be intercepted or impacted (for example by infiltration), a brief site assessment and justification for the minimal impacts may be sufficient, accompanied by suitable contingency measures in place in the event that groundwater is intercepted, and appropriate measures to ensure that groundwater is not contaminated.

Where groundwater is expected to be intercepted or impacted, the following requirements should be used to assist the groundwater assessment for the proposal.

The known or predicted highest groundwater table at the site.

Works likely to intercept, connect with or infiltrate the groundwater sources.

Any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.

Bore construction information is to be supplied to DPI Water by submitting a "Form A" template. DPI Water will supply "GW" registration numbers (and licence/approval numbers if required) which must be used as consistent and unique bore identifiers for all future reporting.

A description of the watertable and groundwater pressure configuration, flow directions and rates and physical and chemical characteristics of the groundwater source (including connectivity with other groundwater and surface water sources).

Sufficient baseline monitoring for groundwater quantity and quality for all aquifers and GDEs to establish a baseline incorporating typical temporal and spatial variations.

The predicted impacts of any final landform on the groundwater regime.

The existing groundwater users within the area (including the environment), any potential impacts on these users and safeguard measures to mitigate impacts.

An assessment of groundwater quality, its beneficial use classification and prediction of any impacts on groundwater quality.

An assessment of the potential for groundwater contamination (considering both the impacts of the proposal on groundwater contamination and the impacts of contamination on the proposal).

Measures proposed to protect groundwater quality, both in the short and long term.

Measures for preventing groundwater pollution so that remediation is not required.

Protective measures for any groundwater dependent ecosystems (GDEs).

Proposed methods of the disposal of waste water and approval from the relevant authority.

- The results of any models or predictive tools used.

Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:

Any proposed monitoring programs, including water levels and quality data.

Reporting procedures for any monitoring program including mechanism for transfer of information.

An assessment of any groundwater source/aquifer that may be sterilised from future use as a water supply as a consequence of the proposal.

Identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).

Description of the remedial measures or contingency plans proposed.

Any funding assurances covering the anticipated post development maintenance cost, for example on-going groundwater monitoring for the nominated period.

## **Groundwater Dependent Ecosystems**

The EIS must consider the potential impacts on any Groundwater Dependent Ecosystems (GDEs) at the site and in the vicinity of the site and:

Identify any potential impacts on GDEs as a result of the proposal including:

- the effect of the proposal on the recharge to groundwater systems;
- the potential to adversely affect the water quality of the underlying groundwater system and adjoining groundwater systems in hydraulic connections; and
- the effect on the function of GDEs (habitat, groundwater levels, connectivity).

Provide safeguard measures for any GDEs.

## **Watercourses, Wetlands and Riparian Land**

The EIS should address the potential impacts of the project on all watercourses likely to be affected by the project, existing riparian vegetation and the rehabilitation of riparian land. It is recommended the EIS provides details on all watercourses potentially affected by the proposal, including:

Scaled plans showing the location of:

- wetlands/swamps, watercourses and top of bank;
- riparian corridor widths to be established along the creeks;
- existing riparian vegetation surrounding the watercourses (identify any areas to be protected and any riparian vegetation proposed to be removed);
- the site boundary, the footprint of the proposal in relation to the watercourses and riparian areas; and
- proposed location of any asset protection zones.

Photographs of the watercourses/wetlands and a map showing the point from which the photos were taken.

A detailed description of all potential impacts on the watercourses/riparian land.

A detailed description of all potential impacts on the wetlands, including potential impacts to the wetlands hydrologic regime; groundwater recharge; habitat and any species that depend on the wetlands.

A description of the design features and measures to be incorporated to mitigate potential impacts.

Geomorphic and hydrological assessment of water courses including details of stream order (Strahler System), river style and energy regimes both in channel and on adjacent floodplains.

## **Landform rehabilitation**

Where significant modification to landform is proposed, the EIS must include:

Justification of the proposed final landform with regard to its impact on local and regional surface and groundwater systems;

A detailed description of how the site would be progressively rehabilitated and integrated into the surrounding landscape;

Outline of proposed construction and restoration of topography and surface drainage features if affected by the project; and

An outline of the measures to be put in place to ensure that sufficient resources are available to implement the proposed rehabilitation.

## **Consultation and general enquiries**

General licensing enquiries can be made to Advisory Services: [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au), 1800 353 104.

Assessment or state significant development enquiries, or requests for review or consultation should be directed to the Strategic Stakeholder Liaison Unit, [water.referrals@dpi.nsw.gov.au](mailto:water.referrals@dpi.nsw.gov.au).

A consultation guideline and further information is available online at:  
[www.water.nsw.gov.au/water-management/law-and-policy/planning-and-assessment](http://www.water.nsw.gov.au/water-management/law-and-policy/planning-and-assessment)

## **End Attachment A**

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