

NSW Department of Climate Change, Energy, the Environment and Water

Our ref: OUT24/16463

Andrew Watson DA Coordinator NSW Department of Planning, Housing and Infrastructure Email: Andrew.watson@planning.nsw.gov.au

24/10/2024

Subject: Rosedale Residential Subdivision Concept Plan - Modification 2 (MP05_0199 MOD 2) – Modification Report

Dear Andrew,

I refer to your request for advice sent on 9 October 2024 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 activities on waterfront land. 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 <u>water.assessments@dpie.nsw.gov.au</u>.

Yours sincerely

bh

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

Detailed advice to DPHI Planning & Assessment regarding the Rosedale Residential Subdivision Concept Plan - Modification 2 (MP05_0199 MOD 2) – Modification Report

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The proponent should quantify the maximum annual volume of water take due to aquifer interference activities and demonstrates the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm potential groundwater interception and volume of inflow. Excavation depth and statements about groundwater levels suggest groundwater may be intercepted, however no definitive groundwater data is provided as there has not been adequate groundwater drilling or investigation. There is no evidence to support the proponent's speculation that inflows will be less than 3 ML per year if groundwater is intercepted. The proponent has not presented sufficient information and analysis to verify this statement. Quantification of maximum potential inflow volumes is required.

1.2 Recommendation – post approval

The proponent should 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*.

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 Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as:

- the water is not taken for consumption or supply;
- 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, exemptions, including an exemption application form and a form to report and record water taken can be found at:

https://water.dpie.nsw.gov.au/licensing-and-trade

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, the proponent must assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:

- <u>https://water.dpie.nsw.gov.au/__data/assets/pdf_file/0005/151772/NSW-Aquifer-</u> <u>Interference-Policy.pdf</u>
- <u>https://water.dpie.nsw.gov.au/__data/assets/pdf_file/0007/171097/Aquifer-</u> 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.

3.0 Activities on waterfront land

2.1 Recommendation – post approval

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

Explanation

It is acknowledged that works will be undertaken under separate approvals as this is a concept approval. Those separate approvals must consider the Guidelines for Controlled Activities on Waterfront Land for the design and construction of all works within waterfront land. This includes watercourse crossings, stream re-alignment and the development of Vegetation Management Plans.

The guidelines can be found here: <u>https://water.dpie.nsw.gov.au/our-work/licensing-and-trade/controlled-activity-approvals/guidelines</u>

End Attachment A