

Our ref: OUT24/3178

Ellen Luu
Planning and Assessment Group
NSW Department of Planning, Housing and Infrastructure
Email: Ellen.Luu@planning.nsw.gov.au

5 March 2024

Subject: Westlink Industrial Estate Stage 2 (SSD-46983729) EIS

Dear Ellen,

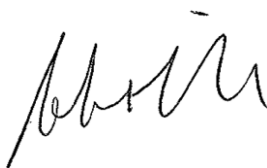
I refer to your request for advice sent on 14 February 2024 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

The proposed development is for a warehouse and distribution centre as well as earthworks across the site to enable construction of the proposed built form and completion of the internal road network across the Westlink Industrial Estate.

NSW DCCEEW Water Group has reviewed the Environmental Impact Statement and has recommendations regarding activities on waterfront land and water supply, take and licensing. Please see **Attachment A** below for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact NSW DCCEEW Water Assessments water.assessments@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

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

Attachment A

Detailed advice to DPHI - Planning & Assessment group regarding the Westlink Industrial Estate Stage 2 (SSD-46983729) EIS

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The proponent quantifies 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 the potential groundwater inflow volumes. NSW DCCEEW Water Group notes that groundwater was intercepted in several test pits at 2.5m to 3m and the Geotechnical Due Diligence Assessment mentions cut depths of up to 14m. Further assessment is required including quantification of maximum groundwater take, assessment on the ability to obtain sufficient entitlement to account for take unless an exemption applies and impacts of groundwater take. Due to the cut depths, groundwater inflow into the excavation is expected. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the sit.

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:

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

Explanation

As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEE 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 Controlled activities on waterfront land

3.1 Recommendation – pre-determination

The proponent should alter the riparian corridor to be in accordance with the Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors.

<https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines>

Explanation

The proponent proposes a 20m total width riparian corridor which is less than the requirement included within the Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors which requires 20m each side, not total, measured from the top of bank of a watercourse. A riparian corridor which considers these guidelines is required. This applies to both the section of watercourse within the site and the section between Kemps Creek to Mamre Road.

3.2 Recommendation – pre-determination

The proponent should incorporate a flow path into the design of the riparian corridor if the connection between the watercourse and the online dam to the north of the site is to be retained.

Explanation

The dam to the north of the site appears to be online (within a watercourse). Therefore, a flow path should be incorporated into the design of the riparian corridor to ensure the connection between the watercourse and online dam is retained. This will ensure flows continue and the use of the dam is not impacted by the development.

3.3 Recommendation – post approval

A Vegetation Management Plan should be developed for both sections (within the project site and the section of re-alignment to the west between Kemps Creek and Mamre Road) of the watercourse re-alignment.

3.4 Recommendation – post approval

Works within waterfront land including outlet structures, crossings and vegetation management plans should be in accordance with the Guidelines for Controlled Activities on Waterfront Land.

<https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines>

3.5 Recommendation – post approval

The proponent has committed to preparing a Soil and Water Management Plan. This is supported and it is recommended this be developed in accordance with industry standards including the guideline, Managing Urban Stormwater: Soils and Construction (Landcom 2004).

End Attachment A
