



Department of
Primary Industries
Office of Water

Senior Administrative Support Officer
Development Assessment
Wyong Shire Council
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Contact: Brendan Mee
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Our ref: ERM2013/0677

Your ref: DA/542/2013

Attention: Ms Jane Doyle

Dear Ms Doyle

**Re: Integrated Development Referral – General Terms of Approval
DA/542/2013 – Remediation of former Mardi landfill site
Lot 1 DP 817815, Lots 1 and 2 DP 449738, Lot 361 DP620853 and unformed road,
part of Lot 1 DP 817815, 70-100 McPherson Road, Mardi.**

I refer to your recent letter dated 7 August 2013 regarding the above Integrated Development Application (DA) proposal. Please find attached the NSW Office of Water's General Terms of Approval (GTA) for an activity that proposes to interfere with groundwater.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional activities that may interfere, take or use surface or groundwater. Once notified, the Office of Water will ascertain if the amended proposal requires review or variation/s to the GTA. This requirement applies even if the proposed activities are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The Office of Water requests notification of any legal challenge to the consent.

Under Section 91A (6) of the EPAA, Council must provide the Office of Water with a copy of any determination/s including refusals.

The attached GTA are not the water licence. The approval holder must apply (to the Office of Water) for a groundwater licence under Part 5 of the *Water Act (1912)* after consent has been issued by Council but 6 weeks before the commencement of any activity that interferes with groundwater.

Application forms for the Part 5 groundwater licence are available from the Office of Water's website:

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

The Office of Water has reviewed the documents supplied by Council and considers that for the purposes of the *Water Management Act 2000* (WMA), a Controlled Activity Approval will not be required for the following reasons:

- A public authority is exempt from section 91E (1) of the WMA in relation to all controlled activities that it carries out in, on or under waterfront land (Clause 38 of Subdivision 4, Division 2, *Water Management (General) Regulation 2011*)

Please contact Brendan Mee in the Newcastle office if you have any queries in relation to the GTA.

Yours Sincerely



Stephanie Lynch
Senior Water Regulation Officer
Newcastle Office

5/9/2013



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Standard

1. The General Terms of Approval (GTA) relate to the above development within the proposed development site.
2. The GTA do not constitute a licence under the *Water Act (1912)*. A licence is required before construction of the groundwater works and extraction of groundwater.
3. If the consent authority determines to grant consent, the GTA are to form part of the development consent.
4. Any amendments to the development application may void these GTA.
5. The consent holder must submit to the NSW Office of Water, a completed application form for a Part 5 groundwater licence at least 6 weeks prior to the commencement of any development / works if the activity will result in the interference of groundwater.
6. The consent holder must inform the Office of Water the scheduled time of construction of the groundwater works, to arrange an inspection during construction if necessary.

Relevant Plans and Documents

7. The approval holder must ensure that the groundwater works are completed in accordance with the following drawings and / or documents:
 - a. Environmental Impact Statement (SMEC, May 2013);
 - b. Water Management Technical Appendix (SMEC, January 2013);
 - c. Acid Sulphate Soil Management Plan (SMEC, March 2013);
 - d. Remediation Action Plan (SMEC, 2013).

Works

8. The licence shall lapse if the groundwater construction work is not commenced and completed within one year of the date of issue of the licence.
9. The approval holder shall, within two months of completion of the works, provide to the Office of Water:
 - a. details of the works as set out in the attached Form "A" and Form "AG";
 - b. a plan showing accurately the location of the works in relation to portion and property boundaries;

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- c. details of any water analysis and/or pumping tests.
- 10. The approval holder must allow the Office of Water or any person authorised by it, full and free access to the works either during construction, for the purpose of carrying out any inspection or test of the works and its fittings and shall carry out any work or make any alterations deemed necessary by the Office of Water for the protection or proper maintenance of the works, or the control of the water extracted and for protection of the quality and prevention from pollution or contamination of sub surface water.
- 11. If a work is abandoned at any time, the approval holder shall notify the Office of Water that the work has been abandoned and seal off the aquifer by:
 - a. backfilling the work to ground level with clay or cement (or mixture thereof) after withdrawing the casing (lining); or
 - b. such methods as agreed to or directed by the Office of Water.

Monitoring bores

- 12. The bore(s) must be constructed by a driller licensed under section 349 of the *Water Management Act 2000*.
- 13. The bore(s) must comply with the Minimum Construction Requirements for Water Bores in Australia (Australian Drilling Standards).
- 14. If during the construction of the work, saline or polluted water is encountered above the producing aquifer, such water shall be sealed off by:
 - a. Inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or polluted water from the work;
 - b. Cementing between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level.

Any departure from these procedures must be approved by the Office of Water before undertaking the work

- 15. The licensee shall notify the Office of Water if a flowing supply of water is obtained. The bore shall then be lined with casing and cemented and a suitable closing gear shall be attached to the borehead as specified by the Office of Water.
- 16. If a flowing supply of water is obtained from the work, the licensee shall only distribute water from the bore head by a system of pipe line and shall not distribute it in drains, natural or artificial channels or depressions.
- 17. The licensee shall not allow any tailwater/drainage to discharge into or onto:
 - a. any adjoining public or crown road; or
 - b. any other person's land; or
 - c. any crown land; or
 - d. any river, creek or watercourse; or

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- e. any native vegetation as described under the *Native Vegetation Act 2003*; or
- f. any wetlands of environmental significance.

18. Water shall not be pumped from the bore(s) authorised by this license for any purpose other than groundwater investigation and monitoring.

Leachate interception works

19. The approval holder must ensure that water is not pumped from the groundwater works for any purpose other than temporary construction dewatering and pumping of leachate that is collected.

20. The approval holder must ensure that all operations are conducted to minimise potential impacts on groundwater flow and quality of the groundwater resource and to minimise off-site effects.

21. The approval holder must maintain a record of the actual volume of groundwater pumped (in kilolitres or megalitres) from the dewatering works, the discharge rate (in litres per second) and duration of pumping (number of days or weeks) during construction of the leachate interception works and provide this information to the Office of Water at the completion of construction, or upon request from the Office of Water.

22. Except in accordance with details outlined in the Environmental Impact Statement (SMEC, May 2013) and Water Management Technical Appendix (SMEC, January 2013) the approval holder shall not allow any tailwater or other material to discharge into or onto:

- a. any adjoining public or crown road; or
- b. any other person's land; or
- c. any crown land; or
- d. any river, creek or watercourse; or
- e. any native vegetation as described under the *Native Vegetation Act 2003*; or
- f. any wetlands of environmental significance.

23. The approval holder must not allow the discharge of water from the site unless:

- a. the pH of the discharge water is between 6.5 and 8.5 and no other contaminants are present; or
- b. the discharge water has been treated to bring the pH to a level between 6.5 and 8.5 and remove any contaminants prior to discharge; or
- c. the water is being discharged to a receiving water body in accordance with the conditions of a licence granted under the *Protection of the Environment Operations Act 1997*; or
- d. the water is being discharged to sewer under a written agreement with the relevant authority.

24. Works used for the purpose of conveying, distributing or storing water taken by means of the licensed work shall not be constructed or installed so as to obstruct the reasonable passage of flood waters flowing into or from a river.

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Monitoring and reporting

25. The approval holder must maintain a daily record of the groundwater levels beneath and around the construction site throughout the duration of the dewatering associated with the construction of the leachate interception works and for a period of at least 2 months following, and provide this information to the Office of Water at the end of the monitoring period, or upon request from the Office of Water.
26. The approval holder must update the Water Management Plan provided in the Environmental Impact Statement Water Management Technical Appendix (SMEC, January 2013) in consultation with the Office of Water, to include the following:
 - a. the volume of water to be extracted in the construction of the leachate interception works;
 - b. trigger values for groundwater depth associated with drawdown from dewatering activities and contingency measures should these trigger values be exceeded;
 - c. the addition of three neighbouring domestic and stock bores (20BL101116, 20BL172137, 20BL170880) into the proposed monitoring program incorporating parameters proposed for existing monitoring bores, the collection of baseline data, details of water quality trigger values based on Australian Drinking Water Guidelines (National Health and medical Research Council, 2011) and details of contingency measures should trigger values be exceeded;
 - d. contingency measures should any aspect of groundwater quality exceed trigger values outlined in the Water Management Plan. These should include ceasing re-circulation of leachate into the landfill mass and alternative disposal methods, such as tankering of leachate offsite to a licensed facility;
 - e. details of restoration to be undertaken should monitoring results identify failure of management strategies to meet agreed standards. In these cases, aquifer/aquifers should be restored to a condition equivalent to that of pre-development conditions.
27. The approval holder must submit a six (6) monthly report to the Office of Water in relation to the operations outlining compliance with the licence conditions until monitoring of the site ceases in accordance with the parameters outlined in the monitoring program.

Advisory Notes

28. A groundwater licence will not give the holder the right to use and occupy any land without the consent of the registered owner/s of the property.
29. A licence will not relieve the holder of any obligations or requirements of any other Acts, Regulations, Planning instruments or Australian standards.
30. Construction of groundwater works or extracting water without a valid licence is an offence under the *Water Management Act 2000*.