



Department of  
Primary Industries  
Office of Water

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Email: Vanessa.Sultmann@water.nsw.gov.au  
Our ref: 30 ERM2014/0119  
Our file: 9057698  
Your ref: DA14/0063

The General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

Attention: David OConnell

PROCL. - APPLIC.

TWEED SHIRE COUNCIL	
FILE No:	DA14/0063 PL2
DOC. No:	
REC'D:	21 MAR 2014
ASSIGNED TO: O'CONNELL, D	
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PN: 104359, 33784, 12423,  
8664, 33365, 8663,  
8665, 8666, 8671, 8672,  
8675.

12 March 2014

Dear Sir/Madam

Rel. doc. DS1: 3311882

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA14/0063**

**Description of proposed activity: Expansion of Tweed City Shopping Centre including basement, at grade and multi-level parking**

**Site location: Kirkwood Road and Minjungbal Drive, Tweed Heads South**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property.

The application indicates the need for dewatering for excavation of the basement carparking. Any take of water as a result of minor temporary dewatering activities that is estimated to be less than 3 megalitres per year (3ML/yr) will generally not require a licence or approval from the Office of Water.

It is the applicant's responsibility to assess and monitor water take and impacts, and to advise the Office if they exceed these conditions, at which time a licence must be obtained. The applicant must also meet all requirements of other agencies and consent authorities as per usual.

If it is the applicant's estimation that water take will exceed 3ML/yr then they must apply for a licence under Part 5 of the Water Act 1912 prior to commencing the activity. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for dewatering.

The application indicates that if significant dewatering is required, groundwater monitoring wells should be installed. If the monitoring bores will extract less than 1ML per year they will require a licence under Part 5 of the Water Act 1912 prior to their installation unless they meet the definition of an "exempt monitoring bore" under the Water Management (General) Regulation 2011. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for monitoring bores.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.



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 works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works 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 development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

**The attached GTA are not the licence.** The applicant must apply (to the Office of Water) for a licence **after consent** has been issued by Council **and before** the commencement of any dewatering or installation of monitoring bores (unless not required as described above).

Finalisation of a licence can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction).

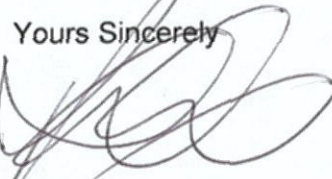
Application forms for licences are available from the undersigned or from the Office of Water's website:

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

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Patrick Pahlow  
Senior Water Regulation Officer  
Office of Water - Water Regulation, North/North Coast

# General Terms of Approval

for work requiring a licence (dewatering)  
under Part 5 of the Water Act 1912

30 ERM2014/0119

File No: 9057698

Kirkwood Road and Minjungbal Drive, Tweed Heads South

DA14/0063

Tweed Shire Council

## Condition

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as



Kirkwood Road and Minjungbal Drive, Tweed Heads South

DA14/0063

Tweed Shire Council

**Condition**

specified by the Department.

12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
  - 1 -inspecting the said work
  - 2 -taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the



30 ERM2014/0119

File No: 9057698

Kirkwood Road and Minjungbal Drive, Tweed Heads South

DA14/0063

Tweed Shire Council

**Condition**

date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.

21. The work shall be managed in accordance with the constraints set out in a Dewatering Management Plan approved by the Department.

22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

END OF CONDITIONS

## General Terms of Approval

for work requiring a licence (monitoring bores)  
under Part 5 of the Water Act 1912

30 ERM2014/0119

File No: 9057698

Kirkwood Road and Minjungbal Drive, Tweed Heads South

DA14/0063

Tweed Shire Council

**Condition**

1. The licence shall lapse if the work is not commenced and completed within three years of the date of the issue of the licence.

2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW office of water:-

(a) details of the work set out in the attached form "A" (must be completed by a driller).

(b) a plan showing accurately the location of the work, in relation to portion and property boundaries.

(c) a one litre water sample for all licences other than those for stock, domestic, test bores and farming purposes.

(d) details of any water analysis and/or pumping tests.

3. The licensee shall allow NSW Office of Water or any person authorised by

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Main Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484

t + 61 2 66767380 | f + 61 2 66767388 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912

Kirkwood Road and Minjungbal Drive, Tweed Heads South

DA14/0063

Tweed Shire Council

**Condition**

it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.

4. If a work is abandoned at any time the licensee shall notify NSW 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 after withdrawing the casing (lining); or
  - (b) such methods as agreed to or directed by NSW Office of Water.
5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.
6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.

END OF CONDITIONS