



Contact: Amanda Herringe
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General Manager
Northern Beaches Council

Our ref: IDAS1143400
Our file: A-36211
Your ref: DA2021/1338

thomas.prosser@northernbeaches.nsw.gov.au

30 May 2022

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2021/1338
Description: Spearpoints - 80mm submersible pump
Location: Bayview Golf Course, Cabbage Tree Road, Bayview, NSW (1825 Pittwater Road, Bayview NSW 2104)

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A 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, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

The attached GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found [here](#).

WaterNSW requests that Council provide a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EP&A Act.

Information to the proponent:

- An extraction limit will be determined by the Department of Planning and Environment following a further hydrogeological assessment and included on the conditions applied to the approval for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the approval will be subject to delay—the Minimum requirements for building site groundwater investigations and reporting (DPIE, 2021) identify what data needs to be collected and supplied.
- After the water supply work approval to authorise the dewatering activity has been obtained, the applicant must implement the following monitoring program unless more comprehensive monitoring is required by another agency or body:
 - meter readings of dewatering volumes at the start and finish of each day for which pumping occurs
 - continuous groundwater level measurements (using automatic logging instruments) from three purpose-built monitoring bores positioned next to each excavation that requires dewatering and commencing at least 7 days before the first pumping starts and finishing at least 7 days after the last pumping ceases
 - twice daily field parameter testing of discharge water quality whilst pumping is occurring
 - laboratory testing of samples collected within 1 hour after the start of pumping on the first day and within 1 hour of the finish of pumping on the last day for which pumping occurs.

Note: these requirements are generally consistent with the recommendations made in the Geotechnical Assessment Report (Martens & Associates, 2021) and the Dewatering Management Plan (NPE, 2022) prepared for the project.

- The applicant must prepare and provide a dewatering completion report and all monitoring data to WaterNSW within eight weeks of finishing on-site excavations.
- The approval will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of permission for ongoing pumping of groundwater.

Assessment of development application

The amendment of GTA condition GT0116-00001 would allow a construction certificate to be issued for the proposed shallow site works that are unlikely to require dewatering. The additional information letter states that an application under the Water Management Act 2000 for a water supply works approval would be lodged before starting excavation in Zone 1. Given the extensive distribution of shallow works not requiring dewatering across all zones apart from those in stages 5 and 6, it would be reasonable to allow these to be commenced unhindered by the need for a water supply works approval to be in place before a construction certificate is issued.

The amendment of GTA conditions GT0121-00001 and GT0122-00001 is not supported by the necessary detail in the Dewatering Management Plan (NPE, 2022). Whilst it is acknowledged there are arrangements for monitoring and reporting associated with the dewatering activity, the schedules are too coarse to be meaningful and the locations of the monitoring points are not described. A more detailed monitoring program needs to be provided in support of the proposed dewatering activity.

Application of the General Terms of Approval

The revised General Terms of Approval issued previously have been further reviewed having regard to the additional information supplied. GTA condition GT0116-00001 has been removed from the revised list of General Terms of Approval to allow the commencement of shallow works over the expected 2 to 3 years before a water supply work approval is required to authorise dewatering.

The department has not recognised any compelling evidence or justification in the additional information that warrants the amendment of GTA conditions GT0121-00001 and GT0122-00001.

The General Terms of Approval are appropriate for the temporary dewatering activity, because

- it is not possible to assess whether the dewatering activity will cause no more than minimal harm on the information presented
- in the absence of information allowing a full hydrogeological assessment, the preferred conditions to be included are the revised General Terms of Approval
- the maximum volume of water take has been quantified as 1.31 ML to be taken over a short duration of 7 days
- daily take conditions cannot be considered in the absence of a full hydrogeological assessment.

Yours Sincerely

Amanda Herringe

Amanda Herringe
Water Regulation Officer
WaterNSW