Christopher J. Faley

From: Teagan-Lee Shepherd <teagan-lee.shepherd@nrar.nsw.gov.au>
Sent: Wednesday, 26 September 2018 1:50 PM
Subject: LEP Amendment 2012
Attachments: OUT18 7806 NRAR Response - Inverell PP - Water Bottling Facilities(5).pdf

Hi,

Please see attached below the Natural Resources Access Regulator comments relation to Inverell Local Environment Plan 2012 — Planning Proposal — Permitting water extraction and bottling facilities in RU1 Primary Production Zone.

NRAR apologies for the delay in response, an administrative error occurred. As you can see a response was written 18 May 2018 just not correctly forward to Council.

Apologises again for any delay this may have caused.

Please direct any questions relating to the response to my self or Callum Lanagan-Jonas

Kind regards,

Teagan-Lee Shepherd | Water Regulation Officer
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Natural Resource Access Regulator
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General Manager
Inverell Shire Council
PO Box 132
Inverell NSW 2360

Our ref: OUT18/7806
File No: V15/3876-2#49
Your Ref:

18 May 2018

Attention: Chris Faley

Dear Chris

Re: Inverell Local Environment Plan 2012 – Planning Proposal – Permitting water extraction and bottling facilities in RU1 Primary Production Zone

Thank you for giving the Department of Industry (DoI) – Water the opportunity to respond to the above proposed amendments. It is understood this proposal is not for a specific land parcel but for inclusion of a local provision to clearly define the ability for water bottling facilities to be permitted with consent in the RU1 Zone. The proposal has been reviewed in relation to water policy and legislation. No specific objection is raised to the concept, rather comments are provided on the issues for consideration in the rezoning process and future approvals that may be required.

Water Legislation Requirements

If a rezoning proceeds to enable water bottling from groundwater, the applicant will be required to obtain a Water Supply Work Approval under the *Water Management Act 2000* to authorise the bore for commercial use and to obtain sufficient entitlement in a Water Access Licence to account for the volume of water to be extracted. The application for a Water Supply Work approval would need to be made to WaterNSW and the applicant would need to purchase the water entitlement from an existing licence holder. These applications would need to be consistent with the requirements of the relevant Water Sharing Plan and the *Water Management Act 2000*.

The application processes referred to above would require an impact assessment to determine the impacts on existing water users and the environment of extracting the proposed water.

At rezoning stage, it would be recommended the impact assessment of water extraction and the ability to obtain the water entitlement consistent with the requirements of the water legislation and water sharing plan be completed to ensure the project is viable.

Groundwater

It may be the case that any bore constructed for the purpose of extracting groundwater for water bottling does not provide a suitable yield or is not of a suitable quality to make the operation feasible. We recommend that prior to rezoning a site that a hydrogeological

assessment be completed to determine the availability and quality of groundwater for the proposed land use. This may require a desktop review, test drilling, pump test and water quality test depending on the availability of groundwater information relevant to the site. Installation of a bore for test purposes will require the applicant to obtain an approval under water legislation from WaterNSW.

Groundwater when untreated should not be considered safe for human consumption without proper treatment. It is recommended that testing of water quality be conducted by a qualified pathologist, especially if it is intended for human consumption.

At rezoning stage it would be recommended the ability to extract the proposed volume and that it is of suitable quality be confirmed to ensure the project is viable.

Floodplain Management

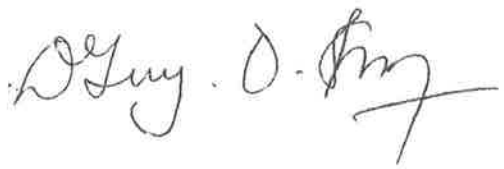
The planning proposal recognises that the changes will make water bottling facilities permissible on rural land, some of which could be flood prone. A flood work approval may be required where works occurring (such as earthworks, embankments or levees) are likely to affect the flow of water to or from a river, lake, designated floodplain, or prevent land from being flooded. Where works that may affect flooding are proposed, it is recommended an assessment be completed to confirm impacts on adjacent lands by the proposed development.

It is recommended to consider the potential significance of flooding impacts at the rezoning stage to ensure the project is viable.

Watercourse Management

Any works associated with a bottling facility proposed within 40 metres of the high bank of the watercourse on site should be carried out in accordance with DoI – Water's guidelines for controlled activities. A Controlled Activity Approval under the *Water Management Act 2000* may be required for works undertaken within 40 metres of the high bank of any watercourse. Applications for these would need to be made to the Natural Resource Access Regulator.

Yours sincerely



Guy Ohandja
A/Regional Manager, Water Regulatory Operations
Department of Industry – Lands and Water