



11d Groundwater protection

Explanatory outline

Section 11d outlines assessment criteria relating to the protection of groundwater. The following matters are covered:

- locations identified as having high groundwater vulnerability where development design must take this into account
- objectives and guidelines for protecting the quality and quantity of groundwater
- information requirements for affected developments

This section should be read in conjunction with *Upper Hunter LEP 2013* clause 6.4 Groundwater vulnerability and accompanying Groundwater Vulnerability Map.

11d Groundwater protection

11d.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land shown on the <i>Upper Hunter Local Environmental Plan 2013</i> Groundwater Vulnerability Map.

Note: The *Upper Hunter LEP 2013 Groundwater Vulnerability Maps* show areas of floodplain and alluvial aquifers mostly associated with, and connected to, the major streams occurring in Upper Hunter LGA.

11d.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.4 *Groundwater Vulnerability* requires consideration of impacts from a development on land identified on the Groundwater Vulnerability Map, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

11d Groundwater protection

11d.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- Groundwater Vulnerability Map

11d.4 Objectives

The objectives of this section are to:

1. ensure that potential groundwater impacts and risks associated with a development are identified assessed, and incorporated in development design;
2. maintain groundwater quality; and
3. ensure any development using or affecting groundwater is consistent with relevant legislative groundwater extraction requirements.

11d.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Groundwater report	Any application as determined by Council	<p>A report, with accompanying plans, prepared by a suitably qualified and experienced person, including the following:</p> <ul style="list-style-type: none"> • demonstrating the extent and quality of groundwater resources on and adjoining the site • a risk assessment, and relevant information demonstrating the impact of the development on groundwater. • extraction licence details / groundwater usage approvals (licences) and demonstrate that compliance with relevant legislation can be reasonably achieved

11d.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.



11d Groundwater protection

Outcomes to be achieved

Design guidelines

A. Maintain groundwater quality

- Development is designed to prevent adverse water quality impacts.
- Prevent or limit site disturbance and earthworks.
- Source control of stormwater and other on-site discharges.
- Regular water quality monitoring program

B. Groundwater use

- Beneficial groundwater use is to comply with relevant regulatory requirements.
-

11d.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- *Hunter Unregulated and Alluvial Water Sharing Plan* and *Hunter Regulated Water Sharing Plan*

<https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status>