

Our ref: OUT25/15716

Max Duncan
Planning Group
NSW Department of Planning, Housing and Infrastructure
Email: max.duncan@dpie.nsw.gov.au

15/12/2025

Subject: In-fill affordable housing - 12-20 Berry Road, St Leonards South (Lane Cove) –
Environmental Impact Statement (EIS)

Dear Max Duncan,

I refer to your request for advice sent on 2 December 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

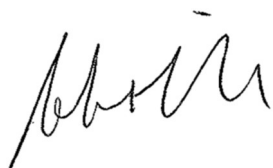
NSW DCCEEW Water Group has reviewed the EIS and has recommendations regarding:

- quantifying the maximum annual volume of water take due to aquifer interference activities and the ability to acquire sufficient water entitlement
- acquiring a water access licence (WAL) to account for the maximum predicted water take
- assessment of impacts due to aquifer interference activities

Please see **Attachment A** for details.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dcceew.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

Rob Brownbill,
Manager, Water Assessments, Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the In-fill affordable housing - 12-20 Berry Road, St Leonards South (Lane Cove) – Environmental Impact Statement (EIS)

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm the potential groundwater inflow volumes. Maximum excavation depths for this project will be at up to 21m. Data indicates the basement will not intercept the groundwater table, however unsaturated zone or ephemeral rainfall event seepage may occur. Given the very deep (up to 21 m) excavations the seepage could potentially be significant. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required. Please see the following links for guidance: [Groundwater assessment toolbox for SSD/SSI](#) and [Minimum requirements for building site groundwater investigations and reporting](#).

1.2 Recommendation – post approval

DPHI should request the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the *Water Management (General) Regulation 2025*.

Explanation

Under the *Water Management Act 2000*, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the *Water Management (General) Regulation 2025* applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 6 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim either of these exemptions certain requirements must be met, such as

- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
 - the records are kept for 5 years.
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Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: [https://water.dpie.nsw.gov.au/licensing-and-trade and Groundwater access licence exemptions](https://water.dpie.nsw.gov.au/licensing-and-trade-and-groundwater-access-licence-exemptions) | NSW Government Water.

2.0 Groundwater impacts and dewatering requirements

2.1 Recommendation – pre-determination

If the take of groundwater is found to be greater than 3 ML per year, DPHI should request the proponent to assess impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). Please refer to the following documents:

- https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf
- https://water.dpie.nsw.gov.au/_data/assets/pdf_file/0007/171097/Aquifer-Interference-Assessment-Framework.pdf

Explanation

As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.

End Attachment A