

Our ref: OUT26/969

Fiona Dowler
Planning Group
NSW Department of Planning, Housing and Infrastructure
Email: fiona.dowler@dpie.nsw.gov.au

18/02/2026

Subject: Mixed Use Development - Darby St Cooks Hill (SSD-82276964) – Environmental Impact Statement (EIS)

Dear Fiona Dowler,

I refer to your request for advice sent on 3 February 2026 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 makes recommendations in regard to:

- Confirming the maximum water take from aquifer interference activities as two differing values have been provided.
- Water licensing requirements for the construction period.

Please see Attachment A for more detail.

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



Tim Baker,
A/Manager, Water Assessments, Planning and Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the Mixed Use Development – Darby St Cooks Hill (SSD-82276964) – EIS

1.0 Water take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to confirm the maximum water take due to aquifer interference activities and the validity of the impact assessment provided against the NSW Aquifer Interference Policy.

Explanation

The Groundwater Impact Assessment states maximum groundwater inflows of 8.98 ML during construction of the project, whereas the EIS refers to total groundwater take of 10.49 ML. Clarification is required of the correct volume and the validity of the assessment provided.

1.2 Recommendation – post-approval

The Department of Planning, Housing and Infrastructure (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

Groundwater take is required due to the project of either 8.98 ML or 10.49 ML which needs confirming as requested in Recommendation 1.1. No ongoing water take is proposed during the operation period as the basements are to be tanked. 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. To claim this exemption 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.

The above WAL exemption does not apply to the operation period of the project. 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 | NSW Government Water](#).

End Attachment A
