

Our ref: OUT26/3133

Prity Cleary
Planning Group
NSW Department of Planning, Housing and Infrastructure

Email: prity.cleary@planning.nsw.gov.au

17 March 2026

Subject: Residential flat building with infill affordable housing, 24, 26 & 28 Middle Harbour Road, Lindfield (SSD-82548708) – Response to Submissions

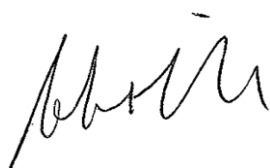
Dear Prity Cleary,

I refer to your request for advice sent on 5 March 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 Response to Submissions and is satisfied with the information provided to address recommendations made at the EIS stage to quantify water take and complete a groundwater impact assessment. DCCEEW Water makes post approval recommendations in regard to water licensing. 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 DCCEEW 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, Planning & Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the Residential development at 24, 26 & 28 Middle Harbour Rd (SSD-82548708) – RTS

1.0 Groundwater take and licensing

1.1 Recommendation – post-determination

The Department of Planning, Housing and Infrastructure requests the proponent to ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.

Explanation

The Groundwater Impact Assessment included modelling that predicted groundwater take of 5.94 ML/yr during construction, and 2.54 ML/yr for the operation base case and 4.53 ML/yr for the worst-case scenario. 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 2018 applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 2 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 7, 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.

Please note the exemption above in the coastal water sources does not apply to the operation period and a WAL would need to be obtained where water take > 3ML/yr. 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://www.water.dcceew.nsw.gov.au/our-work/licensing-and-approvals> and
<https://www.water.dcceew.nsw.gov.au/our-work/licensing-and-approvals/water-licence-and-approval-exemptions/dewatering-exemptions>

End Attachment A
