

Our ref: OUT26/4398

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NSW Department of Planning, Housing and Infrastructure
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28/04/2026

Subject: Mixed use development with in-fill affordable housing located at 25 Moss Vale Road Bomaderry - SSD-69257218 – Response to Submissions (RTS)

Dear Michelle Niles,

I refer to your request for advice sent on 14 April 2026 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

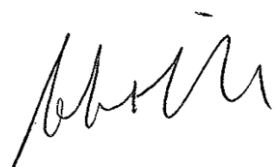
NSW DCCEEW Water Group has reviewed the RTS and has recommendations regarding:

- 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
- designing and constructing works on waterfront land in consideration of the Controlled Activity Guidelines for works on waterfront land.

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



Rob Brownbill,
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 with in-fill affordable housing located at 25 Moss Vale Road Bomaderry - SSD-69257218 – Response to Submissions (RTS)

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

The proponent has provided excavation and groundwater depth information that confirms groundwater is likely to be intercepted. However, no analysis of groundwater inflow is provided. This should be done pre-determination to understand any water impacts and licensing requirements.

Maximum excavation depths for this project will be at RL 32.0 to 40.1 mAHD. Groundwater was encountered in boreholes at depths ranging from 32.83 to 47.19 mAHD. Due to these estimates, groundwater seepage into the excavation is expected. 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](#).

Additionally, A pump and sump has been identified in Appendix W to be used for the construction period. No impact assessment has been provided. State Significant Development projects are eligible for an exclusion to obtain a water supply work where the work is identified, and impacts assessed as a part of the SSDA under s4.41 of the *EP&A Act 1979*. Should this not occur, the project must obtain a water supply work approval which DCCEE Water cannot guarantee the outcome of without an environmental impact assessment, which poses a risk to the project.

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.

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.

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 RTS has not provided a volumetric quantification of groundwater take. Additionally, the RTS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEE 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.

3.0 Works on waterfront land

2.1 Recommendation – post approval

DPHI should ensure the proponent's works on waterfront land are designed and constructed in consideration of the Controlled Activity Guidelines for works on waterfront land. The guidelines can be found here: water.dpie.nsw.gov.au/our-work/licensing-and-approvals/controlled-activity-approvals