

NSW Department of Climate Change, Energy, the Environment and Water

Our ref: OUT26/6109

Bonnie Hale
Planning Group
NSW Department of Planning, Housing and Infrastructure

Email: bonnie.hale@dpie.nsw.gov.au

25/05/2026

Subject: Residential Flat Building at 42 Donald Street and 5-7 Church Street, Nelson Bay (SSD-83366960) – Environmental Impact Statement (EIS)

Dear Bonnie Hale,

I refer to your request for advice sent on 22 April 2026 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

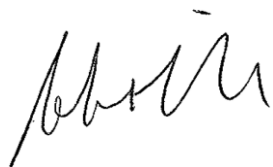
NSW DCCEEW Water Group has reviewed the EIS and has recommendations regarding:

- ensuring sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring unless an exemption applies; and
- obtaining the relevant water supply work approval under the Water Management Act 2000 prior to any take occurring.

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 Residential Flat Building at 42 Donald Street and 5-7 Church Street, Nelson Bay (SSD-83366960) – Environmental Impact Statement (EIS)

1.0 Water supply, take and licensing

1.1 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*.

Should water take occur, the proponent must obtain the relevant water supply work approval under the *Water Management Act 2000* prior to any take occurring.

Explanation

The proponent states that groundwater will not be intersected, as groundwater levels are approximately 5 metres below the proposed basement excavation. However, they have noted that groundwater seepage may still occur during periods of high rainfall.

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.

The proponent has stated they would not require a water supply work approval for dewatering. However, the proponent must be aware that a water supply work is not required only when the work is identified and impacts assessed as a part of the SSD Project. While groundwater interception is not currently expected, if a dewatering pump is required, the proponent must obtain a water supply work from DCCEE Water Group prior to water take occurring

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.

End Attachment A
