

Our ref: OUT26/6154

Ritu Shankar
Planning Group
NSW Department of Planning, Housing and Infrastructure
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10/06/2026

Subject: Marlborough House - Mixed use development with infill affordable housing - SSD-78545225 – Environmental Impact Statement (EIS)

Dear Ritu Shankar,

I refer to your request for advice sent on 26 May 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:

- Further groundwater inflow assessment with a sensitivity analysis to provide increased confidence in the volume and impact predictions presented
- Water license requirements for the groundwater 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 blue ink, appearing to read "Z. Baker".

Tim Baker,
Senior Project Officer, Water Assessments, Planning and Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Detailed advice to DPHI Planning & Assessment regarding the Marlborough House - Mixed use development with infill affordable housing - SSD-78545225 – 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 provide further groundwater inflow assessment with a sensitivity analysis to provide increased confidence in the volume and impact predictions presented and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

The predicted groundwater inflow volumes of 2.64ML/yr for construction and operation are considered low when the proposed basement is up to 19 m below the groundwater level and the depth of excavation is to 29.1m. The significant depth of excavation below the groundwater table suggests the likelihood of higher groundwater inflows and associated potential drawdown impacts and dewatering management requirements. The groundwater inflow assessment should be revisited and a sensitivity analysis completed to provide increased confidence in the volume and impact predictions presented. 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, DCCEE Water Group requires further information to confirm the volumetric quantification of groundwater take. Therefore, the assessment of impacts to groundwater due to construction or operation of the project may need to be reassessed.

End Attachment A