

Our ref: OUT22/13728

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29 September 2022

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Subject: **TOGA Central (SSD-33258337)(City of Sydney) – Environmental Impact Statement (EIS)**

Dear Thomas Piovesan,

I refer to your request for advice sent on 25 August 2022 to the Department of Planning and Environment (DPE) Water about the above matter.

We understand that this proposal is located at 2-8A Lee Street, Haymarket and that it will accommodate the operation of a new mixed-use facility including a hotel, commercial office space, retail premises and ancillary parking, servicing and loading.

DPE Water notes that there will be a maximum take of groundwater of 12 ML in the 1<sup>st</sup> year of construction. The proponent will need to demonstrate that sufficient entitlements can be acquired in the relevant water source prior to take. Please note further detailed advice in **Attachment A**.

Should you have any further queries in relation to this submission please do not hesitate to contact DPE Water Assessments [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au) or the following coordinating officer within DPE Water:

Alistair Drew, A/Senior Project Officer

E: [alistair.drew@dpie.nsw.gov.au](mailto:alistair.drew@dpie.nsw.gov.au)

Yours sincerely

A handwritten signature in blue ink that reads "Liz Rogers".

Liz Rogers  
Manager Assessments,  
Knowledge Division

## Attachment A

### Detailed advice to DPE Planning & Assessment regarding the TOGA Central EIS (SSD 33258337)(City of Sydney)

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#### 1.0 Groundwater entitlement

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##### 1.1 Recommendation – Prior to Determination

That the proponent demonstrate sufficient entitlements can be acquired in the relevant water source unless an exemption applies.

##### 1.2 Explanation

A Water Access Licence (WAL) holding sufficient entitlement for maximum predicted take must be held prior to the commencement of take unless an exemption applies under the Water Management (General) Regulation 2018. The EIS notes that maximum take will be 12 ML/yr in the 1<sup>st</sup> year of construction diminishing in years 2 to 3 with a post construction take of 3 ML/year subsequently. The proponent will need to demonstrate prior to determination that groundwater entitlement can be acquired from the Sydney Basin Central Groundwater Source before commencing the work. There has been significant demand for entitlements within this source so obtaining this water poses a risk to the project.

##### 1.3 Recommendation – Post approval

The proponent must ensure sufficient water entitlement is held in a WAL to account for the maximum predicted take for each water source prior to take occurring.

#### 2.0 Groundwater impacts

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##### 2.1 Recommendation – Post Approval

That the Construction Environmental Management Plan (CEMP) and Water Management Plan (WMP) include the requirements described in Attachment B

##### 2.2 Explanation

The project will require a 4-level basement carpark which will intercept groundwater. The excavation will be to a depth of up to 12 metres below the reported water table. Nearby approved building development include drained basement designs also, and the Toga basement carpark will be constructed at a lower relative level than the surrounding buildings by several metres. The impact assessment for groundwater inflow has been undertaken using a numerical platform to account for cumulative effects of neighbouring buildings both existing and approved for construction.

There are no high priority Groundwater Dependent Ecosystems or registered groundwater users in proximity to the project, and there is no identified risk for a change in beneficial use of the underlying aquifer. Therein, we agree that the category 1 criteria for 'minimal impact considerations' described in the Aquifer Interference Policy appear to be met.

However, the groundwater take is uncertain and could possibly be twice the volume predicted. To manage this uncertainty and potential for change in predicted groundwater take, conditional approval is required that both:

- (i) evaluates and reports on take and quality; and
- (ii) prescribes a commitment and mitigation option to ensure the long term take associated with a drained basement is 3ML/yr or less.

End Attachment A

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## Attachment B – Groundwater requirements for the CEMP and WMP

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**Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application.**

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A water access licence (WAL), for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Report the WAL(s) held for each water source potentially impacted by the project dewatering.

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### **The design and construction of the work must:**

- (a) limit the on-going take of groundwater following completion of construction to less than 3ML/yr as documented in the EIS. This may require the structure to be fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation,
  - (b) address obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level, and
  - (c) prevent an elevated water table from rising to within 1.0 m below the natural ground surface.
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### **Construction phase monitoring bore requirements:**

- (a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by DPE Water,
  - (b) The location and number of proposed monitoring bores must be submitted for consultation with DPE Water, and
  - (c) The monitoring bores must be situated to be protected from construction damage.
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### **Construction phase monitoring programme and content:**

The monitoring programme must include the following:

- (i) present the pre-construction measurements of groundwater level on or around the site, with a minimum of 3 bore locations with measurements spanning 3 months or more,
  - (ii) present the pre-construction groundwater quality field measurements – include provision for testing electrical conductivity; temperature; pH and redox potential,
  - (iii) present the forward programme for water quality testing and water levels,
  - (iv) state the quality assurance and quality controls to be followed including the laboratory assurance,
  - (v) using the pre-construction baseline dataset, establish water level and water quality performance targets that are to apply throughout the construction phase,
  - (vi) applying the estimated groundwater dewatering take reported at the development application stage, set staged cumulative performance targets for the volume of de-watering extracted,
  - (vii) present the trigger action and response procedure (TARP) inclusive of agency notification should the performance targets listed in item (v) and/or (vi) be breached,
  - (viii) The exceedance of the predicted groundwater dewatering volume during the construction phase requires (within 28 days) the re-assessment of the predicted take for both during and post construction phases,
  - (ix) The CEMP/WMP must document the process for mitigation options to ensure post-construction take will be less than 3 ML/yr,
  - (x) The CEMP/WMP must document the process for conflict resolution, and
  - (xi) The applicant must comply with the approved monitoring programme prepared in consultation with DPE Water for the duration of construction phase.
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**Reporting arrangements:**

Following completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to DPE Water.

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