

Our ref: OUT22/18756

Stephen Dobbs
Planning and Assessment Group
NSW Department of Planning and Environment

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31 October 2022

Subject: **Gregory Place Build-to-Rent (SSD-31179510) - Environmental Assessment**

Dear Mr Dobbs

I refer to your request for advice sent on 31 October 2022 to the Department of Planning and Environment (DPE) Water about the above matter.

The proposed project includes the construction of three buildings which vary from 4-8 storeys high and include 483 dwellings.

DPE Water has reviewed the Environmental Assessment and provides the following recommendations. The proponent should:

- provide an assessment of the activities against the 'minimal impact considerations' of the NSW Aquifer Interference Policy (AIP).
- provide estimates of groundwater take during construction and operation of the proposed development.
- ensure sufficient water entitlement is held in a Water Access Licence/s to account for the maximum predicted take for each water source before any take commences (unless an exemption applies).

Please see Attachment A for more detail.

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 or to the following coordinating officer within DPE Water:

Simon Francis – Senior Project Officer
E: simon.francis@dpie.nsw.gov.au
M: 0428 926 117

Yours sincerely

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

Liz Rogers
Manager, Assessments, Knowledge Division
Department of Planning and Environment: Water

Attachment A

Detailed advice to DPE Planning & Assessment regarding the Gregory Place Build-to-Rent (SSD-31179510) - Environmental Assessment

1.0 Groundwater impact assessment, take and licencing

1.1 Recommendations – Prior to Determination

The proponent should:

- provide an assessment of the activities against the ‘minimal impact considerations’ of the NSW Aquifer Interference Policy (AIP).
- provide revised estimates of groundwater take during construction and operation of the proposed development.
- demonstrate the ability to obtain sufficient entitlement to cover maximum proposed take.

1.2 Recommendation – Post Approval

The proponent should ensure sufficient water entitlement is held in a Water Access Licence/s to account for the maximum predicted take for each water source before any take commences (unless an exemption applies).

Explanation

AIP

Interception of the water table constitutes an aquifer interference activity and requires assessment against the ‘minimal impact considerations’ of the NSW Aquifer Interference Policy (AIP). It is the responsibility of the proponent to present on the potential impacts of the project submitted for approval under the *Environmental Planning and Assessment Act (1979)*.

(https://www.industry.nsw.gov.au/data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf).

Groundwater take and licencing

The proponent notes there is the potential for groundwater inflows during basement construction, with the EIS estimating the potential take of 4.7ML to 57.5ML per year. However, it is unclear if this is an estimate for construction or ongoing take due to basement design being drained. Any groundwater inflows/take must be quantified (for both construction and operation of the proposed development), and a Water Access Licence under the *Water Management Act 2000* must be obtained unless an exemption applies. An exemption which may be relevant is for take less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018. For more information visit <https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/groundwater-wal-exemptions>

If an exemption applies, the proponent must still comply with the measurement, monitoring and reporting obligations of the regulated aquifer interference activity exemption, which can be found at:

<https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/groundwater-wal-exemptions>

As there is no demonstration that sufficient entitlement can be obtained for the project, there may be a risk that the proponent is unable to obtain the entitlement required to account for take. Therefore it is recommended that the proponent demonstrate the ability to obtain these entitlements.

End Attachment A
