

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



Our ref: OUT24/19430

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**Subject: Mingara Recreation Club Seniors Housing, Tumby Umbi (SSD-63475709) –  
Environmental Impact Statement**

Dear Peter McManus,

I refer to your request for advice sent on 21 November 2024 to the NSW Department of Climate Change, Energy, the Environment and Water- (DCCEEW) Water Group about the above matter.

The proponent is seeking approval for a seniors housing development at 14 Mingara Drive, Tumby Umbi. The works include site preparation, and the construction and operation of 13 villa buildings, 4 multi-storey buildings and part basement carparking.

NSW DCCEEW Water has reviewed the Environmental Impact Statement and makes recommendations in regard to water take and licensing, and works on waterfront land. Please see Attachment A for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact DCCEEW Water Assessments at [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au)

Yours sincerely,

Rob Brownbill  
Manager Water Assessments, Knowledge Division  
Department of Climate Change, Energy, the Environment and Water

## Attachment A

### Detailed advice regarding the Mingara Recreation Club Seniors Housing, Tumby Umbi (SSD-63475709) – EIS

#### 1.0 Water take and licensing

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##### 1.1 Recommendation – Prior to determination

Department of Planning, Housing and Infrastructure requests the proponent to quantify the maximum annual groundwater take due to aquifer interference activities due to the project during construction and operation in accordance with the NSW Aquifer Interference Policy.

##### Explanation

Insufficient information is provided to quantify the groundwater take due to aquifer interference activities required for the project. The Groundwater Assessment (Appendix X) indicates a perched aquifer may be present within 0.9-2 metres below surface where shallow excavations are required, and the deep piles may intercept water bearing alluvial aquifers. Table 9-2 refers to water take only occurring when groundwater is dewatered. This is inconsistent with the NSW Aquifer Interference Policy which defines water take to occur when water leaves the aquifer. Whilst it is recognised this project has a low risk to the water source, further information is required to confirm the water take and so inform the adequacy of the impact assessment and the requirement for water licensing.

##### 1.2 Recommendation – Prior to determination

Department of Planning, Housing and Infrastructure requests the proponent to demonstrate the ability to acquire sufficient water entitlement for groundwater take unless an exemption applies.

##### Explanation

Under the *Water Management Act 2000*, if groundwater is intercepted a Water Access Licence (WAL) must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as:

- the water is not taken for consumption or supply;
- 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 <https://water.dpie.nsw.gov.au/our-work/licensing-and-trade/water-access-licences-and-approvals/exemptions-for-water-licences-and-works-and-or-use-approvals>

## 2.0 Works on waterfront land

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### 2.1 Recommendation – Post determination

Department of Planning, Housing and Infrastructure requests the proponent to ensure works within waterfront land are designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPE 2022).

#### Explanation

Site constraints of bushfire and flood risks have been identified within riparian areas where modifications are proposed. The design and construction of works within waterfront land of the mapped 2<sup>nd</sup> order watercourse must consider the Guidelines for Controlled Activities on Waterfront land.

End of Attachment A