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

Our ref: OUT25/3190

Renah Givney
Planning Group
NSW Department of Planning, Housing and Infrastructure

Email: renah.givney@dpie.nsw.gov.au

18/03/2025

Subject: SSD-72700708 - 25-27 Boyd Street, Tweed Heads Affordable Housing – Environmental Impact Statement (EIS)

Dear Renah,

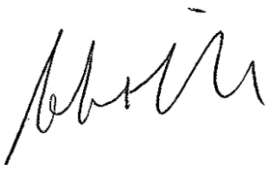
I refer to your request for advice sent on 6 February 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

This project seeks development consent for construction and use of a 13-storey residential flat building to be used for affordable housing.

NSW DCCEEW Water Group has reviewed the Environmental Impact Statement and has recommendations regarding water supply, take and licensing. Please see **Attachment A** for more detail.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dpie.nsw.gov.au.

Yours sincerely



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 SSD-72700708 - 25-27 Boyd Street, Tweed Heads Affordable Housing - EIS

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The proponent should quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm the potential groundwater inflow volumes. NSW DCCEEW Water Group notes that the groundwater table will be intercepted. Maximum excavation depths for this project are unclear. There will be excavations below groundwater level and dewatering will be required as the base of the carparks are proposed to be constructed below the water table. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required.

1.2 Recommendation – post approval

The proponent should ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.

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 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 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, the proponent must assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:

- 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, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.

End Attachment A