

Our ref: OUT25/4119

Justin Keen,
Planning Group
NSW Department of Planning, Housing and Infrastructure

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23/04/2025

Subject: Concept Approval for Mixed Use Building with Affordable Housing, 43-53 Macleay Street, Potts Point (SSD-79316759) – Environmental Impact Statement (EIS)

Dear Justin Keen,

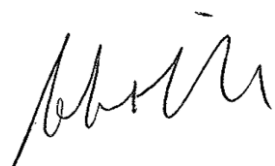
I refer to your request for advice sent on 1 April 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

The proposed development is for a concept 13-storey mixed use shop-top housing development comprising three levels of basement car parking, ground floor retail and residential (market and affordable housing) above.

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 Concept Approval for Mixed Use Building with Affordable Housing, 43-53 Macleay Street, Potts Point (SSD-79316759) – EIS

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

That the proponent quantifies the maximum annual volume of water take due to aquifer interference activities and demonstrates 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 DCCEE Water Group notes that the groundwater table will potentially be intercepted considering three levels of basements are proposed. The report notes excavation will be required but does not identify depth and whether this will intercept groundwater. 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 DCCEW 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