

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

Our ref: OUT25/7833

Ryan Lennox
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NSW Department of Planning, Housing and Infrastructure (DPHI)
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1/07/2025

**Subject: Warnervale Shopping Centre, 262 Hakone Road, Warnervale (MP10_0195-MOD-2) -
Response to Submissions (RTS)**

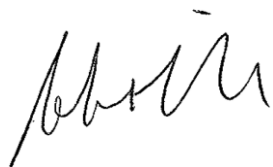
Dear Ryan Lennox,

I refer to your request for advice sent on 18 June 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

NSW DCCEEW Water Group has reviewed the RTS 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

A handwritten signature in black ink, appearing to read "Rob Brownbill".

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 Warnervale Shopping Centre, 262 Hakone Road, Warnervale (MP10_0195-MOD-2) - Response to Submissions (RTS)

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should seek from the proponent the maximum annual volume of water take due to aquifer interference activities and demonstration of the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information is provided in the RTS to determine whether groundwater will be intercepted. The proponent indicates that the groundwater level is estimated to be 3m below surface level and that groundwater was not encountered in investigative boreholes that extended to a maximum depth of 4.9 mBGL. The excavation levels shown in the Civil Engineering – Bulk Earthworks and Architectural Section Plans show excavation for the construction of retaining walls will extend to depths of over 10m. Confirmation if groundwater will be intercepted is requested.

1.2 Recommendation – post approval

DPHI requests the proponent to 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* (WM Reg).

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 the *Water Management (General) Regulation 2018* applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 2 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 7, sch 4 of WM Reg). To claim either of these exemptions certain requirements must be met, such as

- 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 [Groundwater access licence exemptions](#) | NSW Government Water.

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, DPHI should seek from the proponent an assessment of 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