

Our ref: OUT25/11492

Tia Mills
Planning Group
NSW Department of Planning, Housing and Infrastructure
Email: tia.mills@dpie.nsw.gov.au

2/09/2025

Subject: 270 Pacific Highway Crows Nest Build to Rent (SSD-796558964) – Environmental Impact Statement

Dear Tia Mills,

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

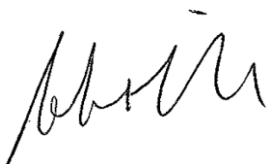
NSW DCCEEW Water Group has reviewed the Response to Submissions and makes recommendations in regard to:

- Quantifying the maximum volume of groundwater take due to aquifer interference activities.
- Demonstrating the ability to obtain sufficient water entitlement unless an exemption applies.
- Completing an impact assessment where groundwater take is predicted to be greater than 3 ML per year.

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 DCCEEW Water Assessments team at water.assessments@dcceew.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 270 Pacific Hwy Crows Nest BTR (SSD-796558964) – EIS

1.0 Water take and licensing

1.1 Recommendation – pre determination

Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to quantify the maximum annual volume of water take due to aquifer interference activities for construction and operation activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

The information provided on excavation and water table depths indicate it is very likely that groundwater will be intercepted and there will be some volume of groundwater take. The documents indicate a separate piece of work described as a 'Groundwater Impact Assessment' is to be or has been completed, however this could not be found. Quantification of maximum potential groundwater take for both the construction and operation period is required. Please see the following links for guidance:

- https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/792/1/Minimum_requirements_for_building_site_groundwater_investigations_and_reporting.pdf
- https://water.nsw.gov.au/_data/assets/pdf_file/0020/507611/Guidelines-for-Groundwater-Documentation-for-SSD-SSI-Projects.pdf

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 2025* (WM Reg) applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 6 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 19, sch 4 of WM Reg). To claim either of the 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 impact assessment

2.1 Recommendation – pre determination

DPHI requests the proponent to assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012) if the take of groundwater is found to be greater than 3 ML per year. Relevant 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 groundwater assessment is deficient in quantifying groundwater take due to the project. 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 and a drawdown assessment it is difficult to assess the level of risk.

End Attachment A
