

Our ref: OUT25/16074

Janith De Silva
Planning Group
NSW Department of Planning, Housing and Infrastructure

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11/12/2025

Subject: Residential development with affordable housing – Florence Street, Tweed Heads (SSD-80229208) – Environmental Impact Statement

Dear Janith De Silva,

I refer to your request for advice sent on 14 November 2025 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter.

The NSW DCCEEW Water Group has reviewed the Environmental Impact Statement and makes recommendations to confirm:

- A reliable water supply.
- If the basement is to be drained or tanked.
- The dewatering infrastructure and associated impacts for any ongoing water take in the operational phase.

Please see Attachment A for further 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 Residential development with affordable housing – Florence Street, Tweed Heads (SSD-80229208) – EIS

1.0 Water supply, water take and groundwater management

1.1 Recommendation – pre-determination

That Department of Planning, Housing and Infrastructure (DPHI) request the proponent to confirm the development has a reliable water supply to meet the projects demands.

Explanation

The proponent has stated they will consult relevant service providers however no confirmation has been provided that a suitable water supply authority has been consulted to ensure there is sufficient availability to meet demands.

1.2 Recommendation – pre-determination

That DPHI request the proponent to:

- Confirm if the basement is to be drained or tanked.
- Quantify the maximum annual ongoing water take if the basement is to be drained and demonstrate sufficient entitlement can be obtained.
- Identify and assess the proposed water supply works to facilitate dewatering for the operational phase if required.

Explanation

The documentation has not specified if the basement design is to be tanked or drained, and therefore it is not possible for DCCEE Water to understand the potential for ongoing water take, licensing and associated impacts.

Should ongoing water take be proposed, this needs to be quantified and the ability to obtain sufficient water entitlement demonstrated. It is noted the dewatering infrastructure for construction is identified in the Dewatering Management Plan, however it is not clear if any dewatering infrastructure is required for the operational phase.

The documentation indicates a water supply work approval would be required for the basement dewatering. However if works are identified and impacts assessed as a part of the SSD application then a water supply work approval would not be required due to provisions under Section 4.41(g) of the *Environmental Planning and Assessment Act 1979*.

1.3 Recommendation - pre-determination

Should groundwater take for the operational phase of the development exceed 3 ML/year DPHI should request the proponent to assess the impacts of aquifer interference activities in accordance with the NSW Aquifer Interference Policy (NSW AIP) (2012).

Explanation

The proponent has not provided an assessment of impacts to groundwater for the operation of the project. The NSW AIP sets out the assessment requirements for aquifer interference activities. To enable water supply works to be excluded from the requirement for an approval under the *Water Management Act 2000*, these works must be assessed within the SSD documentation. Please refer to the following documents:

- 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

1.4 Recommendation – post determination

That DPHI request the proponent to prepare an Acid Sulfate Soil Management Plan.

1.5 Recommendation – post determination

The DPHI request the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the *Water Management (General) Regulation 2025*.

Explanation

The documentation has estimated 36.9 ML of water take during a construction period of 18-weeks. The requirement for ongoing water take during the operational phase is unclear at this point. 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* 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 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](#).

End Attachment A
