

Our ref: OUT25/3731

Pamela Morales
Planning Group
NSW Department of Planning, Housing and Infrastructure

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11 April 2025

Subject: Westgate Kemps Creek (SSD-23480429) - Response to Submissions (RTS)

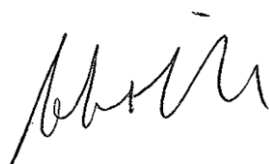
Dear Pamela,

I refer to your request for advice sent on 28 March 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 interim RTS table and maintains recommendations issued in a previous response dated 9/1/2025 (OUT25/227). 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 Westgate Kemps Creek (SSD-23480429) interim RTS table

1.0 Water supply, take and licensing

1.1 Recommendation – post-determination

Department of Planning, Housing and Infrastructure requests the proponent to ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring unless an exemption applies.

Explanation

Any inflows into the excavation are classified as water take, this includes while groundwater levels may be raised due to the dams within the site. The proponent will need to hold a water access licence (WAL) with sufficient entitlement to account for maximum water take prior to take occurring unless an exemption applies.

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 Works on waterfront land

2.1 Recommendation – post determination

Department of Planning, Housing and Infrastructure requests the proponent to ensure works within waterfront land are designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPE 2022).

Explanation

The proposed realignment of a mapped second order watercourse with the construction of a naturalised channel should be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land.