



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

Our ref: OUT25/12929

Patrick Copas
Planning Group
NSW Department of Planning, Housing and Infrastructure
Email: patrick.copas@planning.nsw.gov.au

30/09/2025

Subject: NEXTDC S4 Data Centre Horsley Park (SSD-63741210) - Response to Submissions (RTS) & Amendment Report

Dear Patrick Copas,

I refer to your request for advice sent on 15 September 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 EIS and has recommendations regarding acquiring a water access licence (WAL) to account for the maximum predicted water take.

Please see **Attachment A** for details.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dcceew.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 NEXTDC S4 Data Centre Horsley Park (SSD-63741210) - Response to Submissions (RTS) & Amendment Report

1.0 Water supply, take and licensing

1.1 Recommendation – post determination

The Department of Planning, Housing and Infrastructure (DPHI) should 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 Geotechnical Report identifies that minor seepage may occur into piling below the water table. 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 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 this exemption 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
