

Our ref: OUT26/1907

Samantha Wynn
Planning Group
NSW Department of Planning, Housing and Infrastructure (DPHI)

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20/02/2026

Subject: Finley Battery Energy Storage System (SSD-72430958) – Response to Submissions

Dear Samantha Wynn,

I refer to your request for advice sent on 10 February 2026 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 reiterates recommendations in regard to assessing the potential for aquifer interference, quantifying water take volumes and assessing impacts.

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 blue ink, appearing to read "Z. Bd".

Tim Baker,
A/Manager, Water Assessments, Planning & Knowledge Division
NSW Department of Climate Change, Energy, the Environment and Water

Attachment A

Detailed advice to DPHI Planning & Assessment regarding the Finley Battery Energy Storage System (SSD-72430958) – Response to Submissions

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to:

- Assess the potential for groundwater interception due to the project.
- Quantify the maximum annual volume of water take due to aquifer interference activities
- Demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm the potential groundwater inflow volumes as was requested on review of the EIS for this project. The Response to Submissions states that there may be shallow groundwater, but it is unclear if this will be intercepted or impacted, as excavation depths are not defined and no assessment provided. While the exemption for water take for less than 3 ML a year (Schedule 4 Clause 19 of the Water Management (General) Regulation 2025) has been mentioned by the proponent, no estimations of water take are given to confirm the applicability of the exemption. The Department notes that should entitlement be required to account for water take where 3 ML is exceeded, this would need to be sourced via trading with existing water entitlements held in the Lower Murray Shallow Groundwater Source.

Please see the following links for guidance: [Groundwater assessment toolbox for SSD/SSI](#) and [Minimum requirements for building site groundwater investigations and reporting](#).

1.2 Recommendation – post approval

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 2018.

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 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;
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- 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 and assess impacts where required.

End Attachment A