



Our ref: OUT26/8754

Your ref: SSD-85939708

Gracie Jackel

NSW Department of Planning, Housing and Infrastructure

16 July 2026

Subject: Rothbury Battery Energy Storage System (SSD-85939708) (Cessnock City) - EIS

Dear Gracie Jackel,

I refer to your request for advice sent on 17 June 2026 to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group about the above matter. The assessment has been carried forward to the Water Advisory team of the Development Coordination Authority (DCA) which was established on 1 July 2026.

DCA Water Advisory has reviewed the EIS and has recommendations regarding:

- quantifying the maximum annual volume of water take due to aquifer interference activities
- Specifying the proposed method(s) of dewatering with relation to the aquifer interference activities
- obtaining a water access licence (WAL) to account for the maximum predicted water take
- assessing impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012)

Please see **Attachment A** for details.

Should you have any further queries in relation to this submission please do not hesitate to contact the DCA Technical Advisory at technical.advisory@dphi.nsw.gov.au.

Rob Brownbill,

Principal Water Advisor

Development Coordination Authority

NSW Department of Planning, Housing and Infrastructure



Appendix A - Detailed advice to DPHI Planning & Assessment regarding the Rothbury Battery Energy Storage System (SSD-85939708) (Cessnock City) - EIS

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 quantify the maximum annual volume of water take due to aquifer interference activities and 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. DCCEE Water notes that the groundwater table will potentially be intercepted. Maximum excavation depths for this project are unclear. Groundwater is expected to be between 0.8 and 4m. Due to these estimates, groundwater seepage into the excavation is expected. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required. Please see the following links for guidance: [Groundwater assessment toolbox for SSD/SSI](#) and [Minimum requirements for building dewatering](#).

1.2 Recommendation – pre-determination

DPHI should request the proponent to specify the proposed method(s) of dewatering with relation to the aquifer interference activities proposed as part of the project.

Explanation

The proponent acknowledges that dewatering may be required for activities that intercept groundwater. To qualify for the exclusion to a Water Supply Works Approval listed in Section 4.41 of the *Environmental Planning and Assessment Act 1979*, the proposed dewatering infrastructure must be assessed under the SSD project approval. Should this not be provided, a water supply work under the *Water Management Act 2000* may be required. The outcome of this application cannot be guaranteed which may pose a risk to the project.



1.3 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 2025.

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 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://www.water.dcceew.nsw.gov.au/our-work/licensing-and-approvals> and
<https://www.water.dcceew.nsw.gov.au/our-work/licensing-and-approvals/dewatering>

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 request the proponent to assess impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). Please refer to the following documents:

- <https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/2618/1/NSW%20Aquifer%20Interference%20Policy.pdf>
- <https://www.water.nsw.gov.au/sites/default/files/2025-07/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.

End Appendix A