

Our ref: OUT25/8274

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

Email: samantha.wynn@dpie.nsw.gov.au

1/07/2025

Subject: Finley Battery Energy Storage System (SSD-72430958) – Environmental Impact Statement (EIS)

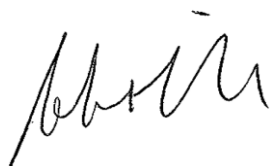
Dear Samantha Wynn,

I refer to your request for advice sent on 29 May 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 Environmental Impact Statement and has recommendations regarding water supply, take and licensing. 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 Finley Battery Energy Storage System (SSD-72430958) – Environmental Impact Statement (EIS)

1.0 Water supply, take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should seek from the proponent the maximum annual volume of water take due to aquifer interference activities and demonstration of the ability to acquire sufficient water entitlement unless an exemption applies.

Explanation

Insufficient information has been provided to confirm the potential groundwater inflow volumes. Maximum excavation depths for this project are unclear, but likely shallow. However, NSW DCCEE Water Group notes that groundwater could potentially be intercepted as the site is in an area of irrigated agriculture and potentially associated shallow water tables. The proponent has not presented sufficient information and analysis on excavation and groundwater levels, hence potential inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required.

1.2 Recommendation – post approval

DPHI should ensure the proponent acquires 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;
- 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

Although groundwater take is not anticipated to be significant, 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. Although a comprehensive groundwater study prior to determination is unnecessary given the perceived low level of risk, NSW DCCEE 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 Attachment A