



Department of Primary Industries

OUT14/38909

Ms Phillipa Duncan
Mining Projects
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Phillipa.Duncan@planning.nsw.gov.au

Dear Ms Duncan,

Gunlake Quarry (DA 07-0074 Mod 2) Proposed Modification

I refer to your email dated 20 October 2014 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by NSW Office of Water

The NSW Office of Water (Office of Water) has reviewed the Environmental Assessment (EA) for the abovementioned proposal. The NSW Office of Water has no objection to the proposed modification as presented however the following comments are provided for your attention and consideration.

Quarry water demand & surface water supplies.

The EA Water Assessment and Water Balance prepared by Cardno Pty Ltd advises that the proposed increase in production will require a corresponding increase in water demand for both processing of product and for dust suppression. The EA indicates that current quarry water supplies will be adequate and that the modifications will be constructed and operated without adverse water impacts and do not require any licensing from the NSW Office of Water.

Whilst there is an increased demand for water, the volumes of water required will continue to be sourced from the existing water quality control ponds (WQCPs) within the quarry pit operating area. Any additional water supplies are proposed to be sourced from existing surface water harvesting dams on the Gunlake property.

The Office of Water can confirm that whilst the water demand for the quarry is increasing, water sourced from the WQCPs is exempt from licensing under the Water Management Act 2000 providing the WQCPs continue to capture runoff generated from the disturbed extraction and processing areas and continue to function for environmental management purposes ie capturing sediment and water quality control.

Accessing additional water supplies from the existing surface water harvesting dams is also excluded from any water licensing requirements based on the present situation being that the existing dams have a combined capacity of less than 18.4 ML which is the Gunlake property harvestable right.

The Office of Water therefore advises that all current and proposed surface waters to be extracted and used for the quarry operation, are appropriately authorised by relevant exemptions under the *Water Management Act 2000*.

Please note that the reference in section 5.5.3 of the EA that Harvestable Rights do not apply to the site is incorrect. Harvestable rights do apply to the Gunlake property and the total capacity for dams on 1st and 2nd order watercourses must not exceed 18.4 ML.

Groundwater

As was indicated in the original project assessment, the Groundwater Impact Assessment (section 5.5.7) in this EA reiterates that groundwater inflows into the Gunlake extraction are low and the expansion of the pit is not expected to significantly impact on the predicted groundwater infiltration rate which is in the order of up to 3.5ML per year. Gunlake proposes to undertake additional groundwater modelling should groundwater inflows in the pit exceed 3.5 ML per year.

In previous advice from the former Department of Water & Energy (DWE), the Department advised that an application for a water licence under Part 5 of the Water Act 1912 was required to be submitted and approved by DWE prior to the interception of groundwater. Such matters are now the jurisdiction of the NSW Office of Water.

The Water Act 1912 has been superceded by the Water Management Act 2000 and the Marulan area is now subject of the Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources. The NSW Office of Water reiterates that a licence is still required for the interception of groundwater.

However, the NSW Office of Water advises that an exemption for up to 3 ML per year taken through groundwater interception for State Significant Development is currently under development. Any groundwater interception in excess of 3ML per year occurring currently and/or resulting from the future quarry expansion must be authorised by a water access licence under the *Water Management Act 2000*.

Greater Metropolitan Region Groundwater Sources Water Sharing Plan

The Gunlake Quarry is located within the Sydney Basin Nepean Management Zone 1 within the Sydney Basin Nepean Groundwater Source. The Greater Metropolitan Region Groundwater Sources Water Sharing Plan (WSP) took effect on 1 July 2011.

As described in section 5.5.8.3 of the EA, operators of activities where volumes of water are taken incidentally as a result of aquifer interference, such as water intercepted during mining operations, are required to hold an access licence and sufficient account volume to account for incidental water taken.

The exemptions listed in section 5.5.8.4 of the EA do not apply to incidental groundwater. The exemptions referred to in the EA only apply to Gunlake's surface water supplies.

Therefore, under the WSP, a Water Access Licence will be required for the incidental interception of groundwater by the Gunlake extraction in excess of 3ML per year. In accordance with the WSP access rules, a commensurate volume of

water will need to be traded to acquire the volume needed to account for the groundwater volumes to be intercepted by the extraction.

In the interim, the NSW Office of Water also requests that the results of groundwater monitoring should continue to be reported through the Annual Environmental Management Report and referred to the NSW Office of Water for review.

Should you require further information please contact David Zerafa, Senior Water Regulation Officer (Nowra) on (02) 4429 4441.

Comment by Agriculture NSW

Agriculture NSW reiterates previous comments relating to mitigation of the impact on rural landholders.

For further information please contact Wendy Goodburn, Resource Management Officer (Goulburn Office) on 4828 6635 or at wendy.goodburn@dpi.nsw.gov.au.

Comment by Crown Lands

Crown Lands have reviewed the EIS and note that it states that no Crown land is affected by the modification. However it is apparent that a Crown road reserve is affected by the proposal, namely the Crown road through Lot 13 DP1123374. This Crown road will be affected by the overburden footprint, a heavy vehicle haul road, and the approved rock processing area. The affected Crown road must be closed and purchased by the proponent.

For further information please contact John Flarrety, Group Leader (Goulburn office) on 4824 3714 or at: John.Flarrety@lands.nsw.gov.au.

Yours sincerely



Kristian Holz
Director Policy, Legislation and Innovation