

Our ref: OUT22/11408

Joe Fittell  
Planning and Assessment Group  
NSW Department of Planning and Environment  
Email: [Joe.Fittell@planning.nsw.gov.au](mailto:Joe.Fittell@planning.nsw.gov.au)

10 August 2022

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Subject: **Maxwell Underground Mine Mod 2 (SSD-9526-Mod-2) Modification Report**

Dear Mr Fittell

I refer to your request for advice sent on 27 July 2022 to the Department of Planning and Environment (DPE) Water about the above matter.

The Modification is located wholly within the approved Development Application Area and comprises various works, including: re-orientation of the longwall panels (resulting in a minor increase in the approved underground mining extent); repositioning of the upcast ventilation shaft site; and associated infrastructure and other minor works and ancillary infrastructure components (e.g. access road and ancillary water management infrastructure for the repositioned ventilation shaft site).

Attachment A provides post approval recommendations regarding water take and licencing and Controlled Activities.

Please note that the licensing and approval function has now moved from NRAR to DPE Water. Should you have any further queries in relation to this submission please do not hesitate to contact DPE Water Assessments [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au) or to the following coordinating officer within DPE Water:

Simon Francis – Senior Project Officer  
E: [simon.francis@dpie.nsw.gov.au](mailto:simon.francis@dpie.nsw.gov.au)  
M: 0428 926 117

Yours sincerely

A handwritten signature in blue ink that reads "Liz Rogers".

Liz Rogers  
Manager, Assessments, Knowledge Division  
**Department of Planning and Environment: Water**

## Attachment A

### Detailed advice to DPE Planning & Assessment regarding the Maxwell Underground Mine Mod 2 (SSD-9526-Mod-2) Modification Report

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#### 1.0 Water take and licencing

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##### 1.1 Recommendation – Prior to Determination

The proponent must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring.

##### Explanation

The Modification Report notes mainly reductions in the expected water take, however there is note of an increase in the Hunter River to alluvium take of 0.55ML/year. All water take for both surface water and groundwater will require a water access licence (WAL) under the *Water Management Act 2000* unless an exemption under the Water Management (General) Regulation 2018 applies, as follows:

- An exemption applies when taking less than or equal to 3ML of groundwater per year in any water source, for any aquifer interference activities listed in Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018.
- As such, the 3ML or less exemption applies only to aquifer interference activities not involving take of water for consumptive use or supply. For example, the exemption applies to water taken to ensure safe and efficient excavation when constructing buildings, but not to water taken for irrigation or town water supply.
- For more information visit:  
<https://www.dpie.nsw.gov.au/nrar/how-to-apply/water-licences/Groundwater>

#### 2.0 Controlled Activities

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##### 2.1 Recommendation – Post Approval

The proponent should ensure that works are in accordance with the Guidelines for Controlled Activities on Waterfront Land.

##### Explanation

- Subsidence impacts to watercourses need to be remediated to ensure stability and natural ecological functioning. In Appendix A - Subsidence Assessment it is noted there will be increased ponding and scour caused by the project on minor watercourses. Monitoring and remediation of such impacts to ensure stability will need to be implemented.
- The re-alignment of Edderton Road is proposed to cross multiple mapped watercourses. These crossings should show due consideration to the Guidelines.
- The proposed Ventilation Shaft Surface Facility should also show due consideration to the Guidelines, specifically in regards to setbacks from watercourses and crossings if required.

The Guidelines for Controlled Activities on Waterfront Land are available at:

<https://water.dpie.nsw.gov.au/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

**End Attachment A**

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