

Our ref: OUT22/19025

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7 November 2022

Subject: McPhillamys Gold Project (SSD-9505) – Response to DPE Water advice on Submissions Report, Amendment Report and additional information

Dear Mandana Mazaheri,

I refer to your request for advice sent on 10 October 2022 to the Department of Planning and Environment (DPE) Water about the above matter.

This project proposal is for the development of an open cut mine and water supply pipeline.

DPE Water has reviewed the additional response provided by the proponent and understands the focus is on the surface water licensing pathway for the project. As referred to in previous advice from DPE Water, a Specific Purpose Access Licence (SPAL) category has been created for this project. Following review of material the proponent has prepared to support a future application for this SPAL, no critical barriers have been identified to a successful application provided relevant criteria and statutory consultation is met. DPE Water encourages the proponent to utilise this application pathway.

In determining the volumes applicable to a SPAL application, the following advice is provided to address key matters raised in the proponent's response:

- DPE Water's draft "Interpreting excluded works dams" factsheet is appropriate for determining works under Schedule 1 of the *Water Management (General) Regulation 2018* that are subject to a licence exemption.
- The process to update the hydroline layer is yet to be implemented. Accordingly, the version on the Department's website at the time of submitting a SPAL application would need to be used. Even if updates are made, no assurances can be made as to the specific detail of the changes, and the proponent should not rely on a future change to the hydroline layer to support its application.
- Maximum water take from all third and higher order streams needs to be quantified and included.

Please see Attachment A for further detailed advice.

Should you have any queries in relation to this submission please do not hesitate to contact DPE Water Assessments water.assessments@dpie.nsw.gov.au or to the following coordinating officer within DPE Water: Tim Baker – Senior Project Officer E: Tim.Baker@dpie.nsw.gov.au , Ph: 0428 162 097

Yours sincerely



Mitchell Isaacs
Chief Knowledge Officer
Department of Planning and Environment: Water

Attachment A

Detailed advice to DPE Planning & Assessment regarding the McPhillamys Gold Project (SSD-9505) – Response to DPE Water advice on Submissions Report, Amendment Report and additional information

1.0 Water Take – Post Approval Recommendations

1.1 Recommendation

The proponent should quantify the maximum water take from the 4th order watercourse near the proposed waste rock emplacement that was referred to in DPE Water’s response dated 14 July 2022 (OUT22/7739). This volume would need to be included in a SPAL application, in addition to any water take from all 3rd or higher order streams or from works that do not meet an exemption or exclusion.

1.2 Explanation

The response did not clearly address the previous request in relation to the 4th order watercourse and the proponent may be relying on an updated hydroline layer to apply licence exclusions for minor streams. As an updated hydroline layer is yet to be implemented it is recommended the proponent determine licensing requirements based on the hydroline layer on DPE Water’s website at the time of application.

1.3 Recommendation

The proponent should utilise DPE Water’s draft “Interpreting excluded works dams” factsheet when confirming which works fit an exclusion and associated licence exemption and those works that need to be licensed or considered under another exemption.

1.4 Explanation

DPE Water has recently prepared a draft factsheet to assist in interpreting works relevant to Schedule 1 under the *Water Management (General) Regulation 2018*. Although still draft this factsheet is appropriate to aid in ensuring correct interpretation.

1.5 Recommendation

That the proponent when finalising water management at the site ensures the construction and use of harvestable rights dams is consistent with the Harvestable Rights (central inland-draining catchments) Order 2022 dated 12 May 2022.

1.6 Explanation

The Order came into effect after the application for this project was lodged and may include provisions the proponent is yet to consider. This could include the requirement that water cannot be moved from a harvestable rights dam to an excluded work or to any other dam on the landholding.

1.7 Recommendation

That a consent condition be developed to require a Trigger Action Response Plan (TARP) to monitor, investigate and manage impacts to water supply availability on the Belubula River between the project site and Carcoar Dam.

1.8 Explanation

A TARP will aid in providing information to verify impact predictions and mitigate unacceptable impacts. The revised surface water modelling utilises a 2 year dataset which has limitations and there is a need for ongoing monitoring and review.

1.9 Recommendation

That a consent condition be developed to require the proponent to offset impacts to the Belubula Regulated River Water Source due to water take from the Tailing Storage Facility.

1.10 Explanation

This is due to the associated water take at the project site not being able to be authorised by existing licenses or exemptions under water legislation.

2.0 Waterfront Land Management – Post Approval Recommendations

2.1 Recommendation

- The proposed alignment of the northern pipeline is located outside of waterfront land where it runs parallel and in close proximity to an unnamed 4th order watercourse
- Works within waterfront land need to be in accordance with the Guidelines for Controlled Activities on Waterfront Land.
- A Watercourse Monitoring and Response Strategy and a Watercourse Remediation and Reconstruction Strategy be developed to prevent erosion and instability and to provide for geomorphic processes to maintain channel integrity.

2.2 Explanation

Significant works are proposed within waterfront land during construction, operation and project closure. These works need to be consistent with Departmental guidelines and best practice to mitigate risks to water sources and to maintain and improve waterfront land.

End Attachment A
