

Our ref: OUT23/19761

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1 December 2023

Subject: Hunter Valley Operations North Continuation Project (SSD-11826681) and Hunter Valley Operations South Continuation Project (SSD-11826621) – Response to Submissions

Dear Joe Fittell

I refer to your request for advice sent on 14 November 2023 to the Department of Planning and Environment (DPE) Water about the above matter.

The project comprises the continuation of the life of Hunter Valley Operations (HVO) - North and South. This includes optimising resource recovery through mining previously mined areas and extracting coal from deeper seams at HVO North. Activities at HVO South include a change to mining sequence and a reduction in coal extraction.

DPE Water has reviewed the response to submissions document and makes recommendations regarding water licensing and activities on waterfront land. Please see Attachment A for detailed comments.

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.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

Rob Brownbill
Manager Assessments
Department of Planning and Environment: Water

Attachment A

Detailed advice to DPE Planning & Assessment regarding the HVO North Open Cut Coal Continuation Project (SSD-11826681) and HVO South Open Cut Coal Continuation Project (SSD-11826621) – Response to Submissions

1.0 Water take and licensing

1.1 Recommendation – prior to determination

The proponent should update the water balance for the median, 5th and 95th percentile climate scenarios to include the entire period of proposed operation for HVO North (2050) and HVO South (2045), and post closure.

Explanation

The documentation provided has included an operational water balance only up until 2040. This does not address DPE Water's review of the EIS which requested the water balance to cover the project life and post closure for the median, 5th and 95th percentile climate scenarios.

1.2 Recommendation – prior to determination

The proponent should review the water licensing requirements for dams where diversions are existing or proposed and the dam still captures runoff.

Explanation

Section 4.3 of Appendix D to the RTS has referred to a number of dams as off-stream storages after construction of diversions. Should these dams still have a catchment which is a source of runoff (ie. not a turkeys nest dam), this water take and/or the dam itself needs to be assessed for licensing or a relevant exemption.

1.3 Recommendation – post approval

The proponent should ensure sufficient water entitlement, or a relevant exemption is held, to account for all operational water take or adjust the scale of operations to match the available water supply.

Explanation

Table 4.11 of the response to submissions (RTS) report has detailed the 80th percentile operational water requirements and the regulated river entitlements held to meet these demands. The proponent should be aware of the potential for demands to exceed this volume in drier conditions and the need to hold sufficient entitlement for any additional water take or the need to reduce the scale of operations to match the available water supply.

2.0 Works on waterfront land and diversions

2.1 Recommendation – prior to determination

The proponent should provide an assessment of impacts on watercourses as requested by DPE Water's response submitted on review of the environmental impact statement.

Explanation

Section 4.6.3 of the response to submissions report has referred to the intention to carry out any works within waterfront land generally in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPE 2022). However, an assessment has not been provided of impacts on waterfront land due to the proposed works.

2.2 Recommendation – post approval

The proponent should:

- ensure works for proposed watercourse diversions are designed and constructed with reference to industry guidelines including:
 - Rehabilitation Manual for Australian Streams (LWRDDC 2000)
 - Guideline: Works that interfere with water in a watercourse for a resource activity (DNRME 2019)
 - Guidelines for Controlled Activities on Waterfront Land (DPE 2022)
- develop a watercourse monitoring and response strategy to identify and mitigate impacts.

Explanation

Significant works are proposed to construct watercourse diversions for the project. 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