



OUT16/28201

Mr Thomas Watt
A/ Team Leader
Resource Assessments
NSW Department of Planning & Environment

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Dear Mr Watt

**Mount Owen Continued Operations Project (SSD 5850)
Additional Comment on the Response to the Planning Assessment Commission
Review Report**

I refer to supplementary information received by Department of Primary Industries regarding the Mount Owen Continued Operations Project, SSD 5850.

Comment by DPI Water

DPI Water has reviewed the information provided in the letter dated 12 July 2016 and the following attachments:

- Attachment 1 – Table A – Dams – Licensing Accounting for Final Landform
- Figure 1 – Mount Owen Continued Operations Project Conceptual Final Landform
- Figure 2 – Conceptual Final Landform Water Licensing Accounting Framework

In accordance with this review DPI Water provides the following advice.

Information indicating that significant entitlement was required from the Glennies Creek Unregulated Water Source was supplied in response to the Planning Assessment Commission's (PAC) review report. It is noted that it is sometimes appropriate for these issues to be addressed post approval however this was raised as an assessment issue as the licensable volume indicated of 330 ML/a is 72% of the licenced water in this source (Table 2.7 - response to the PAC review report – Appendix 6). This volume may be difficult to obtain from the market at a later stage and therefore is an important consideration in the assessment of the project.

The proponent has stated that advice was received verbally from DPI Water that in relation to legacy mining issues that the incremental increase of take from the final void after the commencement the Water Sharing Plan commencement being 1 August 2009 is what is required to be licensed. It is understood this principle is what has been applied in assessing volumetric licensing requirements from the Jerrys Water Source and the Glennies Water Source in the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources*, in Table 1 of the supplementary information dated 12 July 2016.

DPI Water understands that for calculating the licensable take in Table 1 and Table 2 that the harvestable right contour was used to convert from hectares to mega litres. DPI Water advises that all water must be appropriately accounted for via a Water Access Licence unless subject to harvestable rights. The context surrounding the verbal advice received is unclear and an incremental approach to final landform water licensing is not consistent with the *Water Management Act 2000*.

As such it is recommended that the proponent liaise with DPI Water to discuss licensing of the final landform and also provide detail and spatial data to demonstrate the conclusions depicted in Table 1 which indicates that additional entitlement is also required from the Jerrys Water Source. It is recommended that this consultation occur prior to project determination to ensure that the impacts of the proposed final landform on the catchments are appropriately understood.

It is also noted that 15 ML is required from the Glennies Water Source of aquifer category. Currently 10 shares of this category are within the water source however it is noted that this is a conservative estimate and there are to be further model refinements.

It is noted that in the revised final landform that the Dams on the Forestry Corporation Land will be used for flood detention and not permanently hold water and therefore does not require a WAL.

DPI Water provided further clarification on WAL 17999 at the meeting held 5 July 2016. It is acknowledged that there was not clear communication regarding the cancellation of this Water Access Licence (WAL). However this WAL would not have been able to be used to account for surface water storages in the final landform as it was of aquifer category and this water source does not allow for change of WAL category from aquifer to unregulated.

It is noted that a commitment has been made to ensure that the final landform is consistent with proposed draft condition "The applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations on site to match its available water supply." DPI Water supports this commitment. It is also reiterated that the Water Management Plan for the site must be updated in consultation with DPI Water.

For further information please contact Hannah Grogan, Water Regulation Officer Newcastle on (02) 4904 2516 or hannah.grogan@dpi.nsw.gov.au.

Yours sincerely



Graeme White

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