

Conditioning – Make Good Provisions

Compensatory Water Supply

- B41. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.
- B42. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.
- B43. If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution. The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.
- B44. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.
- B45. However, conditions B41 to B44 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

Note:

- *The Water Management Plan (see condition 28) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*

