



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

Our reference: 2009/25770

Snowy Water Licence Review  
Corporate Licencing Unit  
NSW Office of Water  
PO Box 323  
PENRITH NSW 2751

Att: Mr Salim Vhora

Dear Mr Vhora

**Re: Invitation to Comment on Proposed Variations to the Snowy Water Licence**

Thank you for your letter dated 17 November 2009, concerning the process for submitting comments on the proposed variations to the Snowy Water Licence (the Licence) resulting from the five-year review of the Licence (the Review).

In the Department's original submission to the Review it noted that an appropriate outcome of the review may be to identify a process to undertake a scientific investigation of the environmental flows in the Mowamba River and that this could be a potential role for the Snowy Scientific Committee. I note that one of the recommendations of the Review is to investigate options for better achieving environmental objectives under low flow conditions, including options for the decommissioning of the Mowamba Aqueduct. The Department is keen to work with the NSW Office of Water in determining the process and timing for the implementation of this recommendation.

During the review process, the Victorian Government submitted a proposed variation to the Licence that aimed to minimise the impediments imposed by the Licence so that governments could make decisions on the Mowamba Aqueduct, following appropriate investigation, without triggering possible compensation issues. The Minister for Climate Change and Water, the Hon. Senator Penny Wong, has written to the NSW Minister for Water, the Hon. Phillip Costa MP, on two occasions supporting further consideration of the Licence variation proposed by the Victorian Government.

On the basis of the recommendation of the Review to investigate the management of the Mowamba Aqueduct, it seems pertinent that the variation proposed by the Victorian Government be considered within this current process. As part of its consideration I suggest that the NSW Office of Water discuss this issue with the Australian and Victorian Governments. In the event that the NSW Office of Water decides not to accept Victoria's proposed Licence variation, I suggest that it publishes the reasons for not so doing.

Specific comments in the proposed variations are included below.

New Clause 4.3 and 4.4

The Department supports this variation in so far that it provides for improved provision of publicly available information on the operation of the Snowy Scheme. However, I note that Snowy Hydro Limited, under its own volition, has produced such reports for the last two water years and made them publicly available through their website.

The Department considers that an additional clause should be added that requires the data used to compile the report and the findings of the report to be independently verified.

Clause 10.7 – Variation of Schedule Two

The Department questions why this clause has been restricted to the decommissioning or removal of dams. Schedule 2 includes power stations, dams, tunnels, pipes and aqueducts. This clause should be applied in the event of any decision by the licensee to decommissioning any of the infrastructure listed in Schedule 2.

The term “works” is defined in clause 1.1 to mean “any dam, tunnel, power station, aqueduct or other structure that is listed from time to time in Schedule Two.” The Department suggests that the term “dam” be replaced by the term “works” in this clause 10.7.

If you have any questions in relation to this submission please do not hesitate to contact Andrew Warden on (02) 6274 2804 or [andrew.warden@environment.gov.au](mailto:andrew.warden@environment.gov.au).

Yours sincerely

Chris Schweizer  
Assistant Secretary  
Aquatic Systems Health Branch

January 2010