



Department of Primary Industries

OUT12/13033

18 JUN 2012

Mr Kane Winwood
Major Development Assessments
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Email: carl.dumpleton@planning.nsw.gov.au

Dear Mr Winwood

**Re: Coalpac Consolidation Project (10_0178) Exhibition of
Environmental Assessment**

I refer to your separate referrals of the Environmental Assessment for the above matter to the NSW Office of Water and to the Office of Sustainable Agriculture and Food Security (both agencies within the Department of Primary Industries). When it was realised that a general referral to the Department of Primary Industries had not also been made, an internal referral to the other agencies that make up the Department was undertaken. Comment from these agencies is now also included in this letter. It is understood that the former legislative provisions under Part 3A of the *Environmental Planning and Assessment Act 1979* apply to this proposal.

The Office of Water advice is at Attachment A (with an Annexure of conditions). For further information please contact Dr Jodie Dabovic, Planning and Assessment Coordinator within the Office of Water on 4904 2571 (Newcastle office).

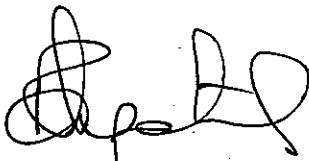
The Office of Sustainable Agriculture and Food Security advises that the proposed project does not affect commercial agricultural lands, nor does the rehabilitation require reinstatement of lands for agricultural use. Hence no issues are raised. For further information please contact Ms Liz Rogers within the Office of Sustainable Agriculture and Food Security on 6391 3642 or by email liz.rogers@dpi.nsw.gov.au.

Advice from Fisheries NSW is at Attachment B. For further information please contact Mr David Ward (Fisheries Conservation Manager-Greater Darling) on 6763 1255 or mobile 0429 908 856.

As advised earlier this year direct from NSW Crown Lands in response to the Preliminary Environmental Assessment, the proposed development site (at that time) included Crown Land, including land reserved under the *Crown Lands Act 1989* and managed by a community reserve trust. It may be that refinement of the proposal may not require this land. However, if this land is still intended to be included, the proponent will need to obtain an appropriate tenure over this land and/or discuss possible acquisition. There is also the possibility that some or all of this land is subject to Aboriginal Land Claim and/or Native Title. Contact should be made in this regard with Mr Terry Childs, Group Leader Natural Resource & Property Services, on 6391 4330 (Orange office).

The proposal includes land that is State Forest. Advice from Forests NSW is at Attachment C. For further information please contact Mr Jack Cotterill, Acting Stewardship Forester, Forests NSW (Bathurst office) on 6330 1025 or by email at: jack.cotterill@sf.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Anquetil', with a stylized flourish at the end.

Phil Anquetil
Executive Director Business Services

Attachment A

Comment by the NSW Office of Water on Coalpac Consolidation Project (10_0178) Exhibition of Environmental Assessment

The NSW Office of Water (Office of Water) has reviewed the EA and provides the following advice on the basis that the former legislative provisions under Part 3A of the *Environmental Planning and Assessment Act 1979* apply to this proposal.

Water sharing plans (WSPs) are legally enforceable statutory plans under the *Water Management Act 2000*. WSPs provide rules for the sharing of water between the environment and water users, the granting of access licences to account for the take of water and the protection of high priority groundwater dependent ecosystems. The WSPs applicable to this project are the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011*, the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011* and *Water Sharing Plan for the NSW Murray-Darling Basin Porous Rock Groundwater Sources 2012*.

The Office of Water notes that the proponent has existing groundwater licences however, the surface water assessment has not provided any detail regarding licensing requirements for the capture and use of surface water. Any take of surface water through capture of rainfall runoff which exceeds the Maximum Harvestable Right Dam Capacity (MHRDC) will require an access licence. Under the new *Water Management (General) Regulation 2011* which commenced on 1 September 2011, water taken for dust suppression is now required to be authorised by an access licence.

Limited surface water and groundwater baseline data has been collected as part of the EA with some data from adjacent mining operations being presented to characterise the water levels and quality within the project catchment areas. Further baseline monitoring is required to allow for full characterisation of the water sources and the development of trigger criteria. The groundwater assessment has not included any predictive modelling due to the limited data collected for the EA and thus, the amount of ingress into the mine pits has been estimated from the hydraulic conductivity, size of the pit face and evaporation.

The site water balance presented in the surface water assessment does not clearly define the groundwater ingress into the pits, amount of groundwater to be pumped from mine voids for operational use and how much water from the storage dams will be placed into the mine voids.

Due to the lack of baseline data collected for the EA, the Office of Water recommends the following conditions of approval (in the Annexure attached) for the Coalpac consolidation project to allow for adequate monitoring, development of trigger criteria and the detection of impacts.

Annexure to Attachment A

Coalpac Consolidation Project (10_0178): Recommended Conditions of Approval

1) Statement of Commitments

The Statement of Commitments should be adopted as Conditions of Approval.

2) Licences

Any take of surface water through capture of rainfall runoff which exceeds the Maximum Harvestable Right Dam Capacity (MHRDC) will require an access licence.

3) Surface water

The NSW Office of Water requires baseline monitoring with a frequency of sampling of monthly in Cullen and Dulhunty's Creeks for a period of 2 years to establish trends after which sampling frequency can be reviewed in consultation with the NSW Office of Water.

- a) The following variables will be included in the monitoring program:
 - Physical/chemical - pH, temperature, electrical conductivity, turbidity, dissolved oxygen, total suspended solids, oil and grease, major cations and anions, and
 - Dissolved metals - iron, manganese, nickel, cobalt and zinc.
- b) Trigger criteria/levels are to be developed based upon ANZECC guidelines prior to project commencement and to be revised once baseline data has been collected and submitted in a report with baseline data for review by the NSW Office of Water.
- c) Surface water monitoring during operations is to be monthly and for the same parameters listed above. The NSW Office of Water recommends that a collaboration of data for monitoring by all the surrounding companies. Monitoring by all companies will need to be conducted during the same time frame and analytes to ensure that the data is statistically valid and comparable between sites. The NSW Office of Water is willing to meet with all companies participating in the collaboration of data to discuss the monitoring programs.
- d) Any exceedances in the trigger levels are to be reported within 7 days to the relevant authority.
- e) A reviewed site water balance model is to be provided to the NSW Office of Water within 6 months of project approval.

4) Groundwater

Detailed groundwater assessment and modelling to adequately assess the aquifer depressurization and groundwater inflow into the individual mine pits and Water Sharing Plan water sources.

5) Water Management Plan

The Proponent shall prepare and implement a Water Management Plan. This Plan must:

- a) Be prepared in consultation with the NSW Office of Water by a suitable qualified expert; and
- b) Include:
 - I. An updated site water balance, which includes but is not limited to details of water sources and security of water supply, site water use and management, off site water transfers, groundwater levels pre and post subsidence, measures to minimise water use and maximises reuse of saline and contaminated waters.

- II. A surface water monitoring program that includes:
 - Detailed baseline data of surface water flows and water quality in the watercourses that could be affected by the project for a minimum of 2 years coinciding with the groundwater.
 - Surface water impact assessment criteria, including trigger levels for investigating potentially adverse surface water impacts of the project.
 - A program to monitor surface water flows and quality in the watercourses that could be affected by the project.
- III. A groundwater monitoring program that includes:
 - Baseline data of groundwater levels yield and quality in the region, and privately-owned groundwater bores, which could be affected by the project.
 - Detailed groundwater assessment and modelling to adequately assess the aquifer depressurization and groundwater inflow into the individual mine pits and Water Sharing Plan water sources.
 - Groundwater impact assessment criteria, including trigger levels based upon analysis of baseline data for groundwater, surface water and ecology.
- IV. A surface and groundwater response plan which describes the measures and/or procedures that would be implemented to respond to any exceedances of the surface and groundwater assessment criteria.

6) Groundwater Impacts Report

The Proponent shall provide an annual report of alluvial and hard rock groundwater levels. This report shall:

- a) Be provided to the NSW Office of Water in the AEMR each year following the reporting period.
- b) Include interpreted drawdown levels resulting from existing and/or ongoing mining operations of the project.
- c) Include trend analysis of weathered/hard rock and mine void groundwater levels against rainfall and mining operations for pre and post subsidence.
- d) Assessment of depressurisation of coal measures will be undertaken by a suitable qualified hydrogeologist and results reported in the AEMR.

7) Site Water Supply and Balance

The Proponent shall provide the following:

- a) In addition to site water balance in the water management plan, an annual comparison between the reporting period site water balance inflow and outflows and the previous periods to be reported in the AMER. This is to include comment on any substantial increases/decrease in inflows and outflow, comparison between measured and predicted inflows (pre and post subsidence) and detail water use efficiency achieved during the reporting period and any projects that have contributed to improved site water efficiency and reuse of saline and contaminated water.
- b) Annual review of management of segregation of contaminated, sediment laden and clean water volumes.

**End Attachment and Annexure
4 June 2012**

Attachment B

Comment by the Fisheries NSW on Coalpac Consolidation Project (10_0178) Exhibition of Environmental Assessment

Fisheries NSW, under the *Fisheries Management Act 1994*, aims to ensure developments achieve no net loss of aquatic habitat and fisheries resources. To meet this aim the following conditions of approval are sought:

- (1) Prior to construction commencing, the applicant must prepare a detailed Environmental Monitoring Program as part of a Subsidence Management Plan. This Plan should include the monitoring of surface water drainage lines for subsidence impacts as well as monitoring impacts on swamps, wetlands, and water dependent ecosystems for subsidence impacts.
- (2) *Fisheries NSW* is to be notified if monitoring detects significant impacts on 3rd order surface drainage lines (under the Strahler Ordering System) as a result of subsidence.

Attachment C

Comment by the Forests NSW on Coalpac Consolidation Project (10_0178) Exhibition of Environmental Assessment

Under the *Forestry Act 1916*, Forests NSW has management responsibilities and control of all lands within dedicated State Forests. Under the *Mining Act 1992*, Forests NSW is also the registered landholder of all lands within State Forests. The following comments are provided on the matters addressed in the Environmental Assessment dated March 2012:

1. The Mine must enter into a compensation agreement with the landholder (Forests NSW) prior to mine operations commencing for the full and final settlement to occur. Any infrastructure or site disturbance which may occur outside of the Mining Lease(s) will require an Occupation Permit with associated terms and conditions.
2. Forests NSW manages Ben Bullen State Forest for values that include timber production and firewood removal:
 - a. Appendix U of Volume 5 *Forestry Assessment* provides estimates of timber value by product type and harvest regime i.e. salvage vs. sustainable yield as supplied by Hansen Bailey. It must be noted that these figures remain **estimates and not final valuations** agreed to by both parties. Formal valuations shall be finalised as part of the compensation agreement referenced in point 1 with Forests NSW. Forests NSW welcomes the detail of work which has been undertaken as part of the EA process; work which shall be of use in the final valuation process.
 - b. Compensation arrangements may be required to cover other costs arising from mine activities impinging on remaining Forests NSW land or operations. The extent or requirement for such compensation shall be discussed in detail during the compensation agreement drafting phase.
3. Rehabilitation requirements should make reference to the surveyed vegetation types as detailed in Appendix A of the *Forestry Assessment* and be grounded by the sample plots distributed in Appendix C of the same. The establishment and ongoing surveying of reference sites within the surrounding vegetation types can provide a benchmark for final rehabilitation and would assist in ensuring that successful rehabilitation standards are achieved.
4. All removed vegetation must be handled responsibly and lawfully by the proponents. Removed vegetation must be handled in a way which does not compromise the safety of Forests NSW stakeholders.
5. All maps must show proposed developments and include tenure information
6. All associated developments/infrastructure (eg. powerlines, monitoring sites) required outside of the mining lease area on land other than that owned by the Mine should be identified in the EA.
7. Appendix S must make reference to the risk of wildfire. Consideration of a bushfire management plan in consultation with adjoining fire management authorities NSW Rural Fire Service and Forests NSW is recommended.
8. Appendix S must make reference to the risks of general Forest users entering the mine site. Man proof fencing would be a recommendation, particularly around exposed rock faces and pit edges. Signage on roads and entering any timber felling zones is also imperative.
