



## Department of Primary Industries

17 SEP 2012

OUT12/22960

Mr Carl Dumbleton  
Mining Projects  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

[carl.dumbleton@planning.nsw.gov.au](mailto:carl.dumbleton@planning.nsw.gov.au)

Dear Mr Dumbleton,

**Coalpac Consolidation Project (MP10\_0178)  
Comment on the Response to Submissions Report**

I refer to your email of 29 August 2012 to the Department of Primary Industries (DPI) in respect to the above matter and make the following advices.

The NSW Office of Water advises that it is satisfied with the proponent's response subject to inclusion, in any proposed approval, of the conditions recommended in the DPI letter dated 18 June 2012, and repeated below in Attachment A.

For further information please contact Dr Jodie Dabovic, Planning and Assessment Coordinator (Newcastle office) on 02 4904 2571 or at: [jodie.dabovic@water.nsw.gov.au](mailto:jodie.dabovic@water.nsw.gov.au).

Fisheries NSW advises that it is satisfied with the proponent's response subject to inclusion, in any proposed approval, of the conditions recommended in the DPI letter dated 18 June 2012, and repeated below:

1. Prior to construction commencing, the applicant must prepare a detailed Environmental Monitoring Program as part of a Subsidence Management Plan. This plan is to 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 3<sup>rd</sup> order surface drainage lines (Strahler Ordering System) as a result of subsidence.

For further information please contact David Ward, Fisheries Conservation Manager, Greater Darling (Tamworth office) on 02 6763 1255 or at: [david.ward@dpi.nsw.gov.au](mailto:david.ward@dpi.nsw.gov.au).

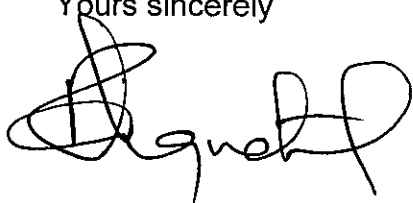
Forests NSW advises there has been no consultation between the proponent and Forests NSW in respect to the matters raised in the DPI letter dated 18 June 2012, and repeated below in Attachment B. It is critical that such consultation occurs so that adequate responses can be made in respect to these matters. It is requested that the Department of Planning & Infrastructure makes no recommendation on this project until this consultation occurs and appropriate commitments are made.

For further information please contact Jack Cotterill, Acting Stewardship Forester, Forests NSW (Bathurst office) on 02 6330 1025 or by email at: [jack.cotterill@sf.nsw.gov.au](mailto:jack.cotterill@sf.nsw.gov.au).

As previously advised, should the final proposed works include Crown land (as has been suggested in earlier documentation), the proponent will need to obtain an appropriate tenure under the *Crown Lands Act 1989* in respect to this land and/or discuss possible acquisition. Confirmation of whether some or all of this land is subject to Aboriginal Land Claim and/or Native Title will also need to be obtained. To date Crown Lands has not been contacted by the proponent in this regard. Nevertheless, advice to this effect should be included with any proposed approval.

For further information please contact Terry Childs, Group Leader Natural Resource & Property Services (Orange office) on 02 6391 4330 or at: [terry.childs@lands.nsw.gov.au](mailto:terry.childs@lands.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Anquetil', with a stylized, cursive script.

Phil Anquetil  
**Executive Director Business Services**

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## **Attachment A**

### **Coalpac Consolidation Project (10\_0178): Recommended Conditions of Approval by NSW Office of Water**

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#### **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 A**

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## Attachment B

### Earlier comment by Forests NSW in response to the exhibition of the Environmental Assessment Coalpac Consolidation Project (10\_0178)

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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.

End Attachment B

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