



## Office of Water

Received

27 APR 2011

Strategic Assessments

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21 April 2011

Our ref: ER21130  
Your ref: MP10\_0090

**Attention: Dorna Darab**

Dear Ms Johnston

### **Coal and Allied– Minmi/Newcastle Link Road Concept Plan (MP10\_0090)**

I refer to your letter of the 24 February, 2011, inviting comment on the Environmental Assessment (EA) for a concept plan associated with the above project. The NSW Office of Water (NOW) has reviewed the EA and provides detailed comments in Attachment A, with recommended conditions of approval in Attachment B.

If you wish to discuss please contact Mark Simons on telephone (02) 2904 2572 at the Newcastle office.

Yours sincerely

A handwritten signature in blue ink, appearing to read "m mignanello".

Mark Mignanelli  
**Manager, Major Projects and Assessment**

**NOW COMMENTS ON ENVIRONMENTAL ASSESSMENT  
COAL AND ALLIED MINMI/NEWCASTLE LINK ROAD – CONCEPT PLAN (10\_0090)**

**Water Licences under the Water Management Act and Water Act.**

The *Water Management Act 2000* (WMA) governs sustainable and integrated management of water sources across the State. Licensing of water is regulated under the *Water Management Act 2000* for areas which are subject to a Water Sharing Plan, and the *Water Act 1912* for water sources not covered by a Water Sharing Plan. At present, surface water systems in this area fall within the Newcastle Water Source for areas north of the Link Road, and within the North Lake Macquarie Water Source for those areas south of the Link Road. These water sources are within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources. Groundwater within the area is regulated under the *Water Act 1912*.

**Protection of Riparian Zones**

The Minmi / Newcastle Link Road site contains a number of streams, from first order to the fourth order Minmi Creek. The concept plan has established a significant riparian corridor along these watercourses, which the EA suggests "encompass the intent of the Water Management Act". The Concept EA also refers to an intention to restore and rehabilitate riparian zones which are degraded. NOW supports the proposed riparian zone, however, any project EA will need to demonstrate consistency with the requirements of the Water Management Act.

**Watercourse Crossings**

The concept plan identifies a number of road crossings of the watercourses on the site. It is also presumed that a number of crossings may be required for service infrastructure such as pipes and cables. Although Part 3A Major Projects are exempt from requiring a controlled activity approval (s91 of WMA), NOW's assessment of the proposal is required to take into account the requirements of relevant water related legislation and guidelines and this forms the basis of our advice to DoP. Although detailed designs of these crossings are not provided, it is noted that a number of proposed crossings form part of the stormwater detention management for the site. This is inconsistent with the guidelines, as the structure will impact on natural hydrologic regimes. Detention basins and water quality control structures should be located outside the riparian zone.

It is therefore recommended that detailed design of these crossings be undertaken in accordance with NOW Guidelines for Controlled Activities (August 2010), as applicable.

**Groundwater**

The project involves the construction of underground service infrastructure. The concept plan EA does not address the issue of groundwater interception, potential impacts on groundwater, or the protection of groundwater quantity and quality during construction of these services. Interception of groundwater and take of water is a licensable activity under relevant water legislation.

**Water Quality and Quantity Management**

It is noted that a number of detention and bio-retention structures are proposed to be located online within the watercourse and within the riparian zone. This is inconsistent with NOW guidelines for construction of instream structures. It is recommended that the subdivision layout be amended such that detention basins and water quality control structures are located outside the riparian corridor.

**End Attachment A  
21 April 2011**

**NOW RECOMMENDED CONDITIONS OF APPROVAL  
COAL AND ALLIED MINMI/NEWCASTLE LINK ROAD – CONCEPT PLAN (10\_0090)**

**Water Licensing Requirements**

1. An authorisation under the *Water Act 1912* or the *Water Management Act 2000* is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing.

**Watercourse crossings and Riparian Zone Management**

2. Any project EA prepared under this concept approval should demonstrate consistency with the NOW Guidelines for Controlled Activities (August 2010), as applicable:
  - Riparian corridors (and associated Vegetation Management Plans)
  - Watercourse crossings
  - Laying pipes and cables in watercourses
  - Outlet structures
  - In-stream works

**Groundwater**

3. Any project EA prepared under this concept approval must provide details of:
  - proposed works likely to intercept groundwater
  - any proposed groundwater extraction
  - proposed method of disposal of waste water
  - potential impacts on groundwater users, including the environment
  - measures to prevent groundwater pollution
  - any groundwater dependent ecosystems in the area

**Water Quality and Quantity Management**

4. Any project EA prepared under this concept approval should:
  - Provide information on the drainage and stormwater management measures proposed for the site
  - Assess the impact of the proposal on the hydrology of the site and receiving waters.
  - Include final design details of detention and bio-retention basins, including outlet structures. Design of outlet structures should demonstrate consistency with NOW Guidelines for Controlled Activities (August 2010).
5. Detention basins and water quality control structures should be located outside the riparian corridor

**End Attachment B  
21 April 2011**