



Office of Water

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21 April 2011

Our ref: ER21129
Your ref: MP10_0093

Attention: Alan Moroney

Dear Ms Johnston

Coal and Allied– Black Hill Employment Lands Concept Plan (MP10_0093)

I refer to your letter of the 25 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

Mark Mignanelli
Manager, Major Projects and Assessment

**NOW COMMENTS ON ENVIRONMENTAL ASSESSMENT
COAL AND ALLIED BLACK HILL EMPLOYMENT LANDS – CONCEPT PLAN (10_0093)**

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, under 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 Black Hill Site is bisected by Viney Creek, a third order stream. The concept plan has established a significant riparian corridor along Viney Creek, with Asset Protection Zones, and offline stormwater treatment structures established outside the Core Riparian Zone. It is noted that section 6.4.3 suggests that the alignment of the creek may be altered as a result of ongoing mining related subsidence. NOW supports the proposed riparian zone, however, the final requirements for the riparian zone will need to be reviewed as part of any project EA.

Watercourse Crossings

The concept plan identifies a number of road crossings of Viney Creek. 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. It is therefore recommended that detailed design of these crossings be undertaken in accordance with NOW Guidelines for Controlled Activities (August 2010), as applicable:

- Watercourse crossings
- Laying pipes and cables in watercourses

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

NOW supports the commitments made by the proponent on Water Quality and Quantity management. Further detail on proposed stormwater management infrastructure will need to be provided as part of any project EA, including final design details of detention and bio-retention basins and outlet structures. Design of outlet structures should demonstrate consistency with NOW Guidelines for Controlled Activities (August 2010) – outlet structures

**NOW RECOMMENDED CONDITIONS OF APPROVAL
COAL AND ALLIED BLACK HILL EMPLOYMENT LANDS – CONCEPT PLAN (10_0093)**

Water Licensing Requirements

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

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

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

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).

**End Attachment B
21 April 2011**