

OUT17/42655

Ms Melanie Hollis
Resource Assessments
NSW Department of Planning and Environment

Melanie.hollis@planning.nsw.gov.au

Dear Ms Hollis

**Wambo Coal Mine South Bates Extension (DA 305-7-2003 MOD 17)
Comment on the draft Conditions of Consent**

I refer to your email of 1 November 2017 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Crown Lands & Water and Department of Primary Industries.

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The Department has reviewed the draft Conditions of Consent and considers that there is insufficient detailed baseline data, information and a means to establish reliable ongoing performance measures as required under the Aquifer Interference Policy 2012 (AIP). Section 3.2.3 of the AIP establishes that proponents must provide the establishment of baseline groundwater conditions including groundwater depth, quality and flow based on sampling of all existing bores in the area potentially affected by the activity, any existing monitoring bores and any new monitoring bores that may be required under an authorisation issued under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, as well as other information for CL&W to make an assessment against minimal impact considerations.

The Department considers that the following amendments should be made to the draft Conditions of Consent to ensure potential impacts to water resources and groundwater dependent ecosystems are addressed in the event of any approval to the project:

- All references to DPI Water should be amended to refer to Crown Lands & Water (water.referrals@dpi.nsw.gov.au).
- Under Condition 36A regarding the Groundwater Dependent Ecosystem Study:
 - Add a requirement to determine sufficient baseline data for:
 - Water levels;
 - Water quality;
 - Flow; and
 - Vegetation health.
 - Add a requirement to include proposed mitigation actions, based on demonstrated evidence of efficacy, to limit or prevent a significant or unacceptable impact, including potential reduction of the mining area.
 - Amend 36A(b) to read “be developed to the **satisfaction** of Crown Lands & Water.”

- Under the AIP it is considered that modelling for a mining project should be based on a minimum of 2 years of baseline data. Condition 36A should be amended to reflect this timeframe.
- Table “14A: Subsidence Impact Performance Measures” should be amended to include, under “Water”:
 - North Wambo Creek – Negligible subsidence impacts, negligible environmental consequences.
- Include a requirement that the proponent must prepare subsidence management and rehabilitation plans to the satisfaction of Crown Lands & Water. The plans should include
 - Installation of a flow gauge upstream of the diversion cutting, to allow comparison of flow persistence and volumes above and below the cumulative subsidence zone.
 - Development of options and response measures to alteration in channel form and incision arising from mining-induced subsidence.
 - Selection of appropriate management actions and rehabilitation techniques for a slug affected, sand bed river.
 - Provide timeframes and actions to prevent and address incision, channel form alteration or avulsion occurring following mining passes under North Wambo Creek. This should include description relating to techniques and actions to arrest any incipient subsidence development, and should be provided with adequate timeframe to allow assessment and construction prior to substantial channel alteration occurring.

Yours sincerely



Alison Collaros
A/Director, Planning Policy & Assessment Advice
 2 November 2017

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<https://goo.gl/o8TXWz>