



Office
of Water



**Director – Major Projects Assessments
Department of Planning and Infrastructure
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Our ref ER 20219
Your ref MP 05_0021 MOD4

Attn. David Mooney

Dear David

Subject Wilpinjong Coal modification

The NSW Office of Water has reviewed the Environmental Assessment (EA) related to the proposed increase of production from the Peabody Wilpinjong Coal Project. The following comments are directed to Wilpinjong Coal's compliance with existing statutory obligations under the *Water Act 1912* (WA) and *Water Management Act 2000* (WMA).

The EA lacks any formal assessment of groundwater impacts anticipated to occur resulting from the increase in production rate from the operation. The Office of Water is unable to assess any likely impacts which may result from granting approval to increase production from the operation.

Wilpinjong Coal has failed to provide sufficient information to the Office of Water to satisfactorily address interception of, or drawdown loss within, the Wilpinjong Creek alluvium. The Office of Water is currently undertaking an assessment of Wilpinjong Coal's compliance with its current water licences, and existing and likely impacts upon the connected alluvium to Wilpinjong Creek. The Office of Water advises that it cannot provide support to any increase in production to Wilpinjong Coal until it is satisfied that the above impacts have been quantified and accounted for under the rules of the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009* (WSPHUAWS) and water source protection requirements within the WMA.

The Office of Water requests the Department of Planning and Infrastructure defer any approval to increase production from the Wilpinjong Coal project until such times as satisfactory evidence that minimal harm is occurring to Wilpinjong Creek and its connected alluvium, and that Wilpinjong Coal is satisfying its statutory obligations under the WSPHUAWS.

If you require any clarification of the above, please contact Fergus Hancock on (02) 4904 2532.

Yours sincerely

Mark Mignanelli
14.11.11
Manager, Major Projects and Mines Assessments

