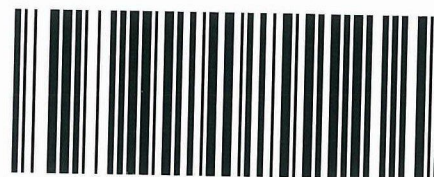




Department of
Primary Industries

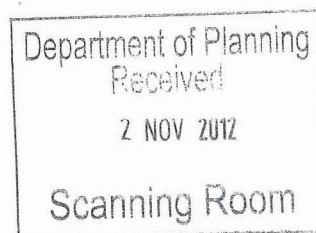


PCU039407

30 OCT 2012

OUT12/27177

Ms Elle Donnelley
Mining Projects
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Ms Donnelley

**Mine Complex Modification 2 (08_0101 Mod 2 and 08_0102 Mod 2)
Response to exhibition of Environmental Impact Statement**

I refer to your letter of 21 September 2012 to the NSW Office of Water, a Division of the NSW Department of Primary Industries (DPI), in respect to the above matter.

Comment by NSW Office of Water

The NSW Office of Water advises:

- (i) Generally the assessment issues for the proposed amendments fall outside the responsibility of the Office of Water.
- (ii) In this case however, the proposed amendment to the biodiversity conservation agreement area is considered significant due to the potential for additional mining in these areas. Given these areas contain frontage to Glennies Creek, which is Zone 3 of the regulated Hunter River, the Office of Water recommends any revision of the three agreed areas for conservation in this location include rehabilitation of vegetation loss along Glennies Creek. This would improve riverine integrity and water quality in that portion of the regulated river and provide further opportunities for improved management on the riparian corridor.
- (iii) The Environmental Impact Statement provides no detail as to the future potential for open cut and/or underground mining extraction within the currently agreed conservation areas or the surface water or groundwater availability within those areas. As such, the Office of Water provides no comment on any future potential for mining operations.

For further information please contact Fergus Hancock, Senior Planning and Assessment Coordinator (Newcastle office) on 4904 2532 or at: fergus.hancock@water.nsw.gov.au.

Comment by Agriculture NSW

Agriculture NSW advises:

- (i) The proposed modifications do not involve any changes in the footprint or scale of mining operations and hence would not directly affect agricultural resources or existing enterprises.

NSW Department of Primary Industries
Level 6, 201 Elizabeth Street, Sydney NSW 2000
PO Box K220, Haymarket NSW 1240

Tel: 02 8289 3999 Fax: 02 9286 3208 www.dpi.nsw.gov.au ABN: 72 189 919 072

- (ii) However, indirect impacts to agricultural production can result from adverse noise or air quality emissions affecting residual farm residences, with consequent potential for further loss of local resident farm managers. This can then affect the capacity to ensure professional, efficient management of agricultural enterprises and should form part of the Department's assessment of this application.

For further information please contact Glenda Briggs, Resource Management Officer (Paterson office) on 4939 8942 or at: glenda.briggs@dpi.nsw.gov.au.

General comment

The current request for an extension of the timeframe for finalisation of the areas in the biodiversity offset strategy does of itself impact on matters in which the Department of Primary Industries has responsibilities and interests. However, any future proposed change to those areas will be of critical interest to DPI in respect to those responsibilities. This includes considerations in respect to:

- (i) the offsets themselves in relation to aquatic habitat protection, protection of riparian area, and ground and surface water implications, and
- (ii) any proposed future use of the existing identified offset areas for additional coal mining and the consequent potential impacts of this activity.

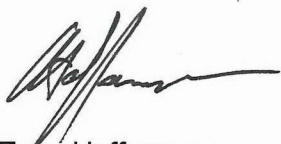
In this regard it is also noted that the site is located within the Upper Hunter Strategic Agricultural Lands identified in the Strategic Regional Land Use Policy.

The above advices by respective divisions of DPI do not endorse any future implications that might arise from the proposed review of the biodiversity offset areas in advance of that review. DPI advises that it should be notified of any such future proposal and will make a further response at that time on any explicit implications on matters for which DPI has responsibility.

It is noted that the referral of this current matter was made to the NSW Office of Water. It is requested that all future referrals be made to DPI as a whole, to landuse.enquiries@industry.nsw.gov.au. Hard copy referrals (printed documents, CD's etc) may be posted to:

Land Use Planning Coordinating Officer
Department of Primary Industries
Locked Bag 21
Orange. NSW 2800

Yours sincerely



Tony Heffernan
Acting Executive Director, Business Services