

Our Reference: 13130#33

Ms N Singh
Senior Environmental Assessment Officer
Resource Assessments | Planning and Assessment
Department of Planning, Industry and Environment
c/o online portal

1st December 2021

Dear Ms Singh

EXTRACTION PLAN FOR LONGWALLS 709 TO 711 AND 905

Thank you for the opportunity to provide updated comments on the Extraction Plan for Longwalls 709 to 711 and 905 associated with the Bulli Seam Project submitted by Illawarra Metallurgical Coal (IMC).

It is understood the Department of Planning, Industry and Environment (DPIE) is seeking adequacy comments on the response of IMC to this feedback prior to considering Determination in this regard. Table 7 within the main body of the Extraction Plan has been interpreted as detailing the response to all stakeholder feedback received for the purpose of this correspondence.

A summary of the adequacy of the response to each issue raised is presented in Table 1 (attached to this correspondence). This Table indicates that the updated Extraction Plan has been identified as not addressing any specific issue raised apart from groundwater modelling [based on a response to similar comments from the NSW Biodiversity Conservation Division (BC Division)]. The DPIE is requested to require additional assessment (as detailed in Table 1) preferably prior to Determination or (less preferably) prior to the commencement of any extraction activities and note the disappointment of Council staff over the absence of amendment to the document.

The following provides a summary of residual areas of concern in terms of requested additional information (as detailed in Table 1) as well as residual concerns regarding the extent of community consultation. It also provides updated comments and recommended conditions in regard to the management of subsidence impacts to local roads and bridges.

Residual concerns requiring additional assessment

(i) *Impacts to surface and groundwater sources*

Council's submission requested the amendment of the Extraction Plan to include a more scientific basis to the assessment of impacts to waterways and groundwater sources (including aquatic ecology) in relation to Trigger Response Action Plans. Council also requested enhanced consistency with Council's Integrated Water Management Strategy. It also expressed concern over the generic nature of the assessment of impacts including potential adverse implications to the ecological health of downstream waterways including the Nepean. The submission received from the BC Division in particular is viewed as

identifying similar issues and additional information to that requested by Council. The DPIE is requested to note shortcomings raised by this submission in the adequacy of the monitoring in providing sufficient baseline data for assessment of impacts is agreed with.

The updated Extraction Plan has been identified as not providing a sufficient response to any of the specific issues regarding potential impacts to surface and groundwater sources contained in the attached Table 1. There is noted to be an intent to carry out additional groundwater modelling and monitoring on based statements in Table 7 responding to an issue raised by the BC Division submission which has the potential to address related issues raised in Council's submission. However, the statement that this is a Water Management Plan is opposed, (consistent with Council's position), that sub-plans should not be relied upon for the assessment of impacts. **The DPIE is consequently requested to carry out the following based on the above considerations:**

- Require a response to all issues previously raised by Council (preferably prior to Determination) based on the attached Table to enable the satisfactory undertaking of its responsibilities under the *Environmental Planning and Assessment Act 1979*.
- Note the in-principle support for the intended supplementary groundwater modelling and assessment but require this be undertaken prior to Determination rather than be incorporated into a Water Management Plan as proposed by IMC.
- Arrange as a high priority a stakeholder meeting of relevant government agencies (which must include invitations to the BC Division) and Council to discuss outstanding residual concerns prior to consideration of the Determination.

(ii) Impacts to terrestrial biodiversity

Council's submission requested the development of a specific criteria within the Trigger Action Response Plan that would trigger assessment of impacts and/or rehabilitation for threatened ecological communities. Table 7 within the Extraction Plan is however viewed as providing commentary on existing biodiversity triggers that do not contain specific reference to threatened ecological communities. The DPIE is consequently requested to amend the Trigger Action Response Plan in accordance with the previous request of Council.

Residual concerns regarding extent of community consultation

Council has expressed strong opposition to the exclusion of opportunities for public comment on the Plan whilst recognising public exhibition as not being a statutory requirement. In relation to this matter, a number of correspondences by local residents on the nearby Ventilation Shaft Application were noted to express a range of concerns over potential impacts of mining operations. Council would expect that the DPIE undertake additional and appropriate community consultation with local residents (at a minimum) prior to any consideration of Determination in accordance with previous requests.

Management of subsidence impacts to structures

Council's submission expressed concern over the potential for dwellings constructed prior to the gazettal of the Wilton and South Campbelltown Mine Subsidence District not complying with current Subsidence NSW Development Guidelines. Comments by the applicant in Table 7 is however viewed as being restricted to commentary on the existing compensation process. **The DPIE is therefore requested to include a condition that would require a condition for any dwellings constructed prior to the gazettal of the Wilton Mine Subsidence District be inspected by a suitably qualified structural engineer and any recommended retrofitting prior to the commencement of any mining operations.**

Table 7 within the Extraction Plan is noted to request that Council provide design specifications for built drawings and engineering reports in response to a request for copies of the design of the rehabilitation of any road infrastructure impacted by mining operations for review by Council Engineering staff. Council's Design Specifications for all civil construction works can be found on our Website at

<https://www.wollondilly.nsw.gov.au/planning-and-development/developers-information/>.

Council's Team Leader Assets and Transport has provided the following comments regarding the provision of this information:

Any built drawings and engineering reports that Council may have remain the property of Wollondilly Shire Council and as such may be made available as and when required, should the mining activity adversely affect Council's assets. It is the responsibility of the applicant to obtain comprehensive dilapidations reports on all of Council's road, bridge and culvert assets and these are to be provided to Council's Engineers prior to any mining activity.

Please contact Council's Acting Team Leader Environmental Services, David Henry for any enquiries regarding this correspondence on (02) 4677 9687 or via e-mail David.henry@wollondilly.nsw.gov.au

Yours faithfully



Bianca Klein

ACTING MANAGER WASTE AND ENVIRONMENT SERVICES

Table 1: Adequacy response to issues raised in Council's submission

Issue within the Extraction Plan	Comment/requested amendment in Council's submission	Not addressed	Partially addressed	Addressed
SURFACE AND GROUNDWATER ASSESSMENT				
Layout of the longwalls in regard to watercourses	Council's preferred position is that a precautionary approach be adopted and DPIE require adjustment to minimise the extent of impacts to third order watercourses, or require scientific based demonstration from South32 reasons this cannot be achieved on operational grounds	√		
Potential impacts to the ecological health of waterways	An assessment of likely impacts to the ecological health of watercourses within and downstream of the Study Area be required as part of the additional assessment sought by this submission.	√		
Identification of potential impacts to surface and groundwaters	The statements regarding potential impacts to water quality within the EIS are in large part generic and with insufficient scientific basis	√		
	There is considered insufficient detailed analysis of the interaction of existing and potentially created fractures resulting from mine induced subsidence with groundwater sources within the EIS.	✓		
	There is concern over the adequacy of analysis in identifying long-terms impacts to quality and quantity of groundwaters given viewed shortcomings in the adequacy of the groundwater properties and its movement within the EIS.		✓ Subject to adequacy of intended supplementary groundwater modelling and monitoring	
Risk assessment of potential impacts to waterways	The Extraction Plan be amended to contain an enhanced assessment and modelling of likely subsidence induced impacts (including potential gas emissions) on watercourses (including aquatic ecology), to a similar level that would be required for		✓	

Issue within the Extraction Plan	Comment/requested amendment in Council's submission	Not addressed	Partially addressed	Addressed
	Environmental Impact Statements for mining applications			
	The DPIE require that the detailed assessment be required by a Water Plan (or equivalent) for all sections of third order streams directly undermined in the approved layout in the event of this modification not occurring. First and second order watercourses: A site specific assessment that identifies significant features warranting protection through provision of an appropriate setback be required for first and second order streams.	✓		
Monitoring post Determination	The Surface Water Quality Indicator be required to be updated to include inspections for the presence of any re-emergence of water to the surface from mine induced fractures and that any such identified re-emergence be monitored as part of the implementation of the Plan.	✓		
BIODIVERSITY				
Impacts to terrestrial biodiversity	The inclusion of a consideration of the State Environmental Planning Policy (Koala Habitat Protection) 2021 within the EIS be required.	✓		
	The EIS be amended to include a specific criteria within the Trigger Action Response Plan that would trigger assessment of impacts and/or rehabilitation for both these communities given their threatened ecological community status be required.	✓		
Impacts to aquatic biodiversity	The (requested by Council's submission), enhanced assessment of likely impacts of the longwalls on the condition of water sources based on current scientific research and guidelines be required to also consider impacts to aquatic biodiversity.	✓		