



Contact: Jen Shearing
T (02) 6881 3411 M 0417 271 089
email: jen.shearing@cma.nsw.gov.au

File: CW00082

Mr Howard Reed
Manager, Mining Projects
Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mathew Riley

19 November, 2012

Dear Mr Reed,

Subject: Central West CMA response to Environmental Assessment for proposed Cobbora Coal Project (10_0001)

Thank you for the opportunity to respond to the supplied assessment of environmental impacts for the proposed Cobbora Coal Project.

The Central West CMA has previously provided an assessment of the adequacy of the information supplied to meet the Director General's Requirements under the *NSW Environmental Planning and Assessment Act (1979)*. In general, the same areas are raised as a concern by the Central West CMA as were raised in the previous submission and form the basis of this response.

The Central West CMA notes there is no reference to the Central West Catchment Action Plan in the Environmental Assessment. The Central West Catchment Action Plan is a statutory document under the *Catchment Management Authorities Act (2003)* and outlines the goals and targets for natural resource management in the Central West catchment. The Catchment Action Plans across NSW are incorporated into the NSW State Plan 2021 as a driver of natural resource management in NSW. We would like to inform the proponents that the Catchment Action Plan has recently been upgraded and approved by the Minister for Primary Industries.

This is noted specifically to ensure that the proponent is aware that the upgraded plan has a focus on resilience in the landscape and seeks to build the adaptive capacity of physical and social systems to the impacts of the change. A copy of the upgraded Catchment Action Plan (2012) can be found on our website at www.cw.cma.nsw.gov.au and the Central West CMA suggests the proponent establishes a level of familiarity with the new approach and catchment goals.

Biodiversity:

One area of concern is the potential impact of clearing native vegetation in the project area, including identified endangered ecological communities and threatened ecological communities, along with habitat for potential populations of endangered species. Does the proposed

biodiversity offset address the required provision for 'like for like' quality of habitat and vegetation that is representative of the areas lost to the mining operation?

Water sources:

In regard to the potential impacts on groundwater and surface water, the Central West CMA does have concerns in regard to the interaction between groundwater and surface waters. The cumulative impact of this impact on the base flow to the streams and the potential impact on the existing persistent pools identified in Sandy's Creek and Lahey's Creek appears unclear at this stage of the assessment.

The Central West CMA's concern about the proposed mitigation strategy of purchasing groundwater licence(s) to supplement the amount of water that will be drawn from the system appears to be mentioned in the assessment but the CMA still has concern on the risk where the licensed amount may not be available for purchase prior to 2031.

Cultural Heritage:

The Central West CMA notes the description of the consultation process and cultural heritage assessment that has been undertaken across the proposed project area. It is vital that consultation is maintained with the local people that have identified with the area (Registered Aboriginal Parties).

The whole or partial disturbance of 79 identified sites of Aboriginal Cultural Heritage out of the total 229 sites identified across the project footprint, is of concern regardless of the proposed mitigation actions. The Central West CMA notes the proposed development of the Aboriginal Heritage Management Plan is yet to be undertaken in conjunction with the Registered Aboriginal Parties and the Office of Environment and Heritage.

Social Impacts and Community Consultation:

The presentation of the consultation to date is noted and the variety of approaches undertaken to disseminate the information to the community and to collate the community concerns that are raised with the proposed project.

It is also noted that the assessment proposes the ongoing commitment to provide information on the development and operation of the project over time. The Central West CMA encourages this commitment as being vital to the successful operation of the project, along with the genuine response of the proponent to the issues as raised by the community.

We thank you once again for the opportunity to provide comment on the assessment of environmental impacts for this project.

If you have any questions in regard to this submission, please contact Jen Shearing on the details listed at the top of this letter.

Yours sincerely,



per Chris Ambler
A/General Manager
Central West CMA