



OUT12/19625

15 AUG 2012

Ms Ingrid Ilias
Infrastructure Projects
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001



Dear Ms Ilias

**NCIG Coal Export Terminal Proposed Rail Flyover – (MP 06_0009) Modification
Request No. 2**

I refer to your separate letters to NSW Department of Primary Industries and the NSW Office of Water, an agency within the Department of Primary Industries, requesting comment on modifications to NCIG Coal Export Terminal (MP 06_0009) Proposed Rail Flyover.

Fisheries NSW has considered the proposal in relation to its responsibilities under the *Fisheries Management Act 1994* in relation to the sustainable management of commercial and recreational fishing in NSW, the protection of aquatic habitat generally, and the protection of threatened species. Reference in this regard is also made to the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*. Fisheries NSW advises that there are no fisheries issues in relation to these works as there is no impact on fish habitats.

For further information on these matters please contact Scott Carter, Senior Conservation Manager Aquatic Habitat Protection Unit (Nelson Bay office) on (02) 4916 3931 or by email at: scott.carter@dpi.nsw.gov.au.

The NSW Office of Water provides the following comment and advice as to conditions on any approval of the proposal:

Reference is made in the EA to potential dewatering from excavations or to manage groundwater issues on the site. It should be noted that groundwater on the site is regulated under the *Water Act 1912* (WA 1912). All existing and proposed works including monitoring bores, excavation and dewatering works with the potential to intercept or extract groundwater require a licence under Part 5 of the WA 1912.

If it is determined to grant approval for the rail flyover modification, it is requested that the following recommended condition of approval be included:

The proponent must obtain relevant licences to the satisfaction of the NSW Office of Water for all activities which intercept or extract groundwater prior to commencement of these activities.

For further information on these matters please contact Rohan Macdonald, Planning and Assessment Coordinator (Newcastle office) on (02) 4904 2642 or by email at: rohan.macdonald@water.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Phil Anquetil', written over the printed name.

Phil Anquetil
Executive Director Business Services