

OUT18/8744

Paul Freeman
Resource Assessments
NSW Department of Planning and Environment

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Dear Mr Freeman

**Moolarben Coal 1 Modification 14 (MP 17_8711 MOD 14) and Moolarben Coal 2
Modification 3 (MP 08_0135 Mod 3)
Comment on the Response to Submissions**

I refer to your email of 28 May 2018 to the Department of Industry with respect to the above matter. Comment has been sought from relevant branches of the Department of Primary Industries and Lands & Water. Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The department has reviewed the response to submissions and provides the following comments and recommendations for consideration in assessment of the proposal.

Recommended Conditions of Approval

- The Water Management Plan should be updated in consultation with the Natural Resources Access Regulator (NRAR), including:
 - a table showing proposed take of water from each water source under the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources and the Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources, and nominated water access licences to account for the projected take;
 - additional alluvial groundwater observation bores within the Moolarben Creek alluvium and isolated palaeochannel down gradient of the open cut pits; and
 - detailed design of the outlet structure and associated scour and erosion protection controls.
- All works on waterfront land should be undertaken in accordance with the [Guidelines for Controlled Activities on Waterfront Land](#) (2012).

Comment

Table 7 of the Biodiversity Assessment Review indicates that for 4th and 5th order streams the riparian corridor width is 20 m each side of the waterway. This is incorrect and is not consistent with the Guidelines for Controlled Activities on Waterfront Land, which specifies a riparian corridor width of 40 m from the top of bank on each side of the waterway.

Yours sincerely



Alex King
Director Cabinet and Legislation Services
20 June 2018