



Department of  
Primary Industries  
Office of Water

Contact Christie Jackson  
Phone (02) 6701 9652  
Email [christie.jackson@water.nsw.gov.au](mailto:christie.jackson@water.nsw.gov.au)  
Our ref ER20847

Jessie Evans, Senior Planning Officer  
NSW Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001  
via email: [jessie.giblett@planning.nsw.gov.au](mailto:jessie.giblett@planning.nsw.gov.au)

Dear Ms Evans

**Review of Commitments for West Wallsend Colliery (MP 09\_0203 MOD 1)**

The NSW Office of Water (Office of Water) has reviewed the additional commitments outlined by Glencore (the proponent) following our submission on the Response to Submissions report for the above-mentioned project. The Office of Water finds the commitments outlined by the proponent to be satisfactory in meeting our concerns.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Ruth Burton'.

Ruth Burton  
A/Manager Strategic Stakeholder Liaison  
12 August 2014

**From:** [Brendan Liew](#)  
**To:** [Jessie Evans](#)  
**Subject:** FW: West Wallsend Colliery Modification 1 (MP 09\_203 Mod 1) Draft NOM  
**Date:** Friday, 29 August 2014 4:32:34 PM

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**From:** Wayne Jones [mailto:wayne.jones@dpi.nsw.gov.au]  
**Sent:** Friday, 29 August 2014 10:17 AM  
**To:** Brendan Liew  
**Subject:** West Wallsend Colliery Modification 1 (MP 09\_203 Mod 1) Draft NOM

Hi Brendan

Please see following draft DPI comments on the above project. Formal letter should follow shortly.

Regards  
Wayne

Wayne Jones | Land Use Planning Coordinating Officer  
Department of Primary Industries  
Level 48, MLC Centre, 19 Martin Place Sydney NSW 2000  
T:02 9338 6708 | E: [wayne.jones@dpi.nsw.gov.au](mailto:wayne.jones@dpi.nsw.gov.au)

OUT14/28728

Mr Brendan Liew  
Mining Projects  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

[Brendan.Liew@planning.nsw.gov.au](mailto:Brendan.Liew@planning.nsw.gov.au)

Dear Mr Liew,

**West Wallsend Colliery Modification 1 (MP 09\_203 Mod 1)  
Request for Comment on the Draft Notice of Modification**

I refer to your email dated 20 August 2014 to the Department of Primary Industries in respect of the above matter.

Comment by NSW Office of Water

NSW Office of Water has reviewed the draft Notice of Modification and supports the conditions listed.

For further information please contact Christie Jackson, Water Regulation Officer, (Tamworth office) on (02) 6701 9652 or at [christie.jackson@water.nsw.gov.au](mailto:christie.jackson@water.nsw.gov.au).

Regards  
Wayne

Wayne Jones | Land Use Planning Coordinating Officer  
Department of Primary Industries  
Level 48, MLC Centre, 19 Martin Place Sydney NSW 2000

T:02 9338 6708 | E: [wayne.jones@dpi.nsw.gov.au](mailto:wayne.jones@dpi.nsw.gov.au)

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**From:** [Brendan Liew](#)  
**To:** [Jessie Evans](#)  
**Subject:** FW: West Wallsend Continued Operations Project (MP 09\_0203): Draft Notice of Modification  
**Date:** Wednesday, 27 August 2014 3:40:56 PM

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**From:** Georgie Williams [mailto:gwilliams@lakemac.nsw.gov.au]  
**Sent:** Wednesday, 27 August 2014 3:39 PM  
**To:** Brendan Liew  
**Subject:** RE: West Wallsend Continued Operations Project (MP 09\_0203): Draft Notice of Modification

Hi Brendan,

Thank you for the opportunity to make comment on the draft conditions of consent for the above-mentioned development.

Council staff have reviewed the modified conditions and note that the requested conditions of consent included in Council's previous submission, emailed to the Department of Planning and Environment on 15 July 2014, have not been included in the draft conditions of consent. This is disappointing.

Council requests that the following conditions be included on any modified consent:

#### **Traffic**

It is recommended that the road surface of Wakefield Road be monitored for the duration of subsidence to ensure that no subsidence or cracking occurs, and if it does then a strategy similar to those previously used on Wakefield Road be implemented.

#### **Creeks and Watercourses**

Prior to the approval of the Subsidence Management Plan:

1. An independent 'peer review' of subsidence impacts is undertaken, by a suitably qualified expert, and that this review make recommendations on ways of reducing subsidence impacts; and
2. An independently chaired 'review committee' (consisting of representatives from relevant state agencies, experts and Council staff) be convened, and consider the 'peer review' and expert recommendations, and make subsequent recommendation to the proponent; and
3. The proponent undertakes to enact these recommendations.

#### **Property / Flora and Fauna**

- A. Any damage to Council's land-holdings (being the proposed Ryhope Biodiversity Offset Site) resulting from mining activities, will be remediated to a standard that satisfies OEH's and Council's requirements for the offset site (and the requirements of any development approval to which the offset may relate).
- B. Should damage occur to Council's land-holdings that cannot be remediated to a standard that satisfies OEH's and Council's requirements for the offset site, the proponent will supply an equivalent parcel of offset land which satisfies OEH's and Council's requirements (and the requirements of any development approval to which the offset may relate), at no cost to Council.

As detailed in Council's previous submission, in regards to the issue of 'connective cracking', as a precautionary approach the project is not supported in its current form, as the consequences of 'connective cracking' and difficulties associated with remediating these impacts (should that occur), pose an unacceptable risk.

If you wish to discuss the above-mentioned conditions, please do not hesitate to make contact.

Regards

**Georgie Williams** | Senior Development Planner  
**Lake Macquarie City Council**  
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Box 1906, HRMC NSW 2310  
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**From:** Brendan Liew [<mailto:Brendan.Liew@planning.nsw.gov.au>]  
**Sent:** Wednesday, 20 August 2014 3:40 PM  
**To:** [landuse.minerals@industry.nsw.gov.au](mailto:landuse.minerals@industry.nsw.gov.au); 'landuse.enquiries@dpi.nsw.gov.au'; referrals;  
[planning.matters@environment.nsw.gov.au](mailto:planning.matters@environment.nsw.gov.au)  
**Cc:** Jessie Evans; [julie.moloney@trade.nsw.gov.au](mailto:julie.moloney@trade.nsw.gov.au); [vanessa.hornsby@water.nsw.gov.au](mailto:vanessa.hornsby@water.nsw.gov.au); Georgie Williams; [steve.lewer@environment.nsw.gov.au](mailto:steve.lewer@environment.nsw.gov.au); Richard Bath  
**Subject:** West Wallsend Continued Operations Project (MP 09\_0203): Draft Notice of Modification

Good afternoon,

**West Wallsend Continued Operations Project (MP 09\_0203)**  
**Draft Notice of Modification**

The Department requests that you review the attached draft Notice of Modification for the above project and provide any comments that you may have on the proposed conditions, if you wish to do so.

It would be appreciated if any comments could be forwarded to the Department by Thursday 28 August 2014.

If you have any questions or have any issues, please do not hesitate to contact me on the details below.

**Brendan Liew** | Planning Officer  
Mining Projects | Development Assessment Systems and Approvals  
NSW Department of Planning & Environment | 23-33 Bridge Street, Sydney NSW 2001  
e: [brendan.liew@planning.nsw.gov.au](mailto:brendan.liew@planning.nsw.gov.au) | p: 9228 6310 | m: GPO Box 39, Sydney NSW 2001

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Office of  
Environment  
& Heritage

Your reference: MP 09-0203 MOD 1  
Our reference: DOC14/174757-01  
Contact: Steve Lewer, 4908 6814

Mr Brendan Liew  
Officer, Mining Projects  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Liew

**RE: REVIEW OF DRAFT NOTIC OF MODIFICATION FOR PROPOSED LONGWALLS 51 AND 52 – WEST WALLSEND COLLIERY ENVIRONMENTAL ASSESSMENT (MP 09-0203 MOD 1)**

I refer to your email dated 20 August 2014 requesting comments on the 'Draft Notice of Modification' for the Proposed Longwalls 51 and 52 – West Wallsend Colliery Environmental Assessment (EA) modification to the approved 'West Wallsend Continued Operations Project' project approval (MP 09-0203 Mod 1).

The Office of Environment and Heritage (OEH) has undertaken a review of the Draft Notice of Modification and has provided detailed comments in **Attachment A**.

OEH acknowledges that the modification generally addresses all OEH's previous concerns for biodiversity, threatened species matters and Aboriginal cultural heritage. However, with respect to biodiversity offsetting OEH is of the opinion that the proponent's commitment to providing a compensatory habitat package if adverse impacts associated with subsidence occurs needs to be reflected within the final Notice of Modification, as described in Attachment A.

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4908 6837.

Yours sincerely

28 AUG 2014

**RICHARD BATH**  
Senior Team Leader Planning, Hunter Central Coast Region  
Regional Operations



## **ATTACHMENT A: OEH REVIEW OF PROPOSED LONGWALLS 51 AND 52 WEST WALLSEND COLLIERY DRAFT NOTICE OF MODIFICATION – RECOMMENDED CONDITIONS**

### **THREATENED SPECIES**

OEH recommends the inclusion of the following condition, based on the proponents previously outlined commitment to providing a biodiversity offset if adverse impacts associated with subsidence occur:

- A. If adverse indirect impacts associated with subsidence occur on the subject site, namely surface cracking, landslip or slide, rock fall and rock rollout, localised damage to watercourses, local instability and erosion on steep slopes, that damages/ harms native vegetation or features that are considered to be and/or represent threatened species habitat and/or threatened ecological communities (e.g. loss or damage to rocky outcrops or cliffs, loss of hollow-bearing, roosting and forage habitat via tree fall, and damage to riparian areas), then a compensatory habitat package is to be provided in accordance with:

In light of the potential impacts that subsidence may cause to threatened species habitat, OEH indicated in its previous response that if these impacts are significant the proponent should be responsible for providing appropriate compensatory habitat. Under this scenario a compensatory habitat package must be developed in accordance with:

- a. Either: (i) the requirements of the BioBanking Assessment Methodology (DECC 2008) utilising the 'BioBanking Assessment Methodology and Credit Calculator Operational Manual' (DECC 2009), the Assessors' guide to using the BioBanking Credit Calculator v.2 (OEH 2012) and OEH's 2011 policy, '*NSW OEH Interim policy on assessing and offsetting biodiversity impacts of Part 3A, State Significant Development (SSD) and State Significant Infrastructure (SSI) projects*' (OEH 2011); or (ii) OEH's *NSW offset principles for major projects (state significant development and state significant infrastructure)*.
- b. Identify the conservation mechanisms to be used to ensure the long term protection and management of the offset sites in consultation with OEH.
- c. Include an appropriate Management Plan (such as vegetation or habitat).

### **References**

DECC (2008) *BioBanking Assessment Methodology*. Department of Environment and Climate Change NSW, detailed at: [www.environment.nsw.gov.au/biobanking/index.htm](http://www.environment.nsw.gov.au/biobanking/index.htm).

DECC (2009) *BioBanking Assessment Methodology and Credit Calculator Operational Manual*. DECC 2009/181, Department of Environment and Climate Change (NSW), Goulburn Street, Sydney, available at: [www.environment.nsw.gov.au/resources/biobanking/09181bioopsman.pdf](http://www.environment.nsw.gov.au/resources/biobanking/09181bioopsman.pdf).

OEH (2011) *NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects*. NSW Office of Environment and Heritage, Sydney, June 2011.

OEH (2012) *Assessors' Guide To Using The BioBanking Credit Calculator V2*. Office of Environment and Heritage NSW, Sydney; April 2012, available at: [www.environment.nsw.gov.au/resources/biobanking/120182AssessGdeBBCC.pdf](http://www.environment.nsw.gov.au/resources/biobanking/120182AssessGdeBBCC.pdf).