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Our ref ER20893

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Dear Stephen

Cobbora Coal Project – Response to PAC Recommendations and Revised Preferred Project Report (10_0001)

The NSW Office of Water has reviewed the email response from Phil Towler dated 9th September 2013 and the letter dated 12th September from Liz Webb. An additional email from Liz Webb dated 26th September 2013 has also been reviewed which has provided further clarification. These responses were in response to comments from NSW Office of Water in a letter dated 5th September 2013. The following comments are provided in relation to these responses and recommended conditions of approval are provided in Attachment A.

Water Supply

- Email correspondence dated 26 September 2013 from Liz Webb (EMM) has confirmed the proposal to utilise groundwater sourced from bores to supply construction water for the Cobbora Coal Mine. NSW Office of Water can confirm that applications have been lodged by the proponent for this activity and this is currently being assessed under the *Water Management Act 2000* separately to application MP10_0001. The applications propose extraction from 5 existing bores and this is to be linked to an access licence with 350 unit shares. An initial assessment by NSW Office of Water considers the anticipated low yields will not require any specific mitigation of potential impacts. As this proposal was not included within previous documentation in support of this project it is recommended the Department of Planning and Infrastructure consider whether this should be included as part of the assessment of the broader Cobbora Coal Project.

Groundwater Assessment

- The proposal to revise the groundwater modelling based on the final detailed mine design prior to commencement of operations is supported by NSW Office of Water. It is recognised any possible additional impacts are not expected to differ greatly from the groundwater impacts described in previous groundwater assessments for the project. In addition any unacceptable impacts arising from the proposed dewatering borefield can be mitigated by restricting its use.

- It is requested revision of the groundwater modelling based on the proposed dewatering borefield and development of adequate mitigating and monitoring options form part of development of the operational Groundwater Management Plan. It is requested this plan be developed in consultation with the NSW Office of Water.

Surface Water Assessment

- The proposal to construct a diversion around the top water level of the Raw Water Dam will result in a realignment of the current watercourse and establish the Raw Water Dam as a turkey's nest storage. Conceptually this will limit the potential for surface runoff capture to within the storage itself and maintain the flow of runoff downstream from upstream sources. The NSW Office of Water advises this proposal may alleviate the need to hold licensed entitlement for the capacity of the Raw Water Dam. This will need to be confirmed based on detailed design to achieve the objectives proposed. The design and mitigation of impacts from construction of the Raw Water Dam will also need to be considered in this proposal. It is recommended the detail for both the raw water dam and clean water diversion be addressed within the Construction Environmental Management Plan and be consistent with the NSW Office of Water's Guidelines for Controlled Activities on Waterfront Land (2012).

Should further information be required please do not hesitate to contact Tim Baker on (02) 6841 7403 or by email Tim.baker@water.nsw.gov.au.

Yours sincerely



Mitchell Isaacs
Manager Strategic Stakeholder Liaison
1 October 2013

NSW OFFICE OF WATER - RECOMMENDED CONDITIONS OF APPROVAL

The NSW Office of Water requests the following conditions be included in any determination issued for the Cobbora Coal Project:

- The proponent should be required to have adequate water supply authorities to all stages of the mining development, and if necessary, reduce the scale of its activity to match its water supply.
- The proponent is required to obtain the necessary water licenses for the project under the *Water Act 1912* or *Water Management Act 2000* prior to commencement of activities.
- The proponent is required to hold or retire sufficient licensed entitlement to cover the perpetual take of water flowing into the final void (and out of the evaporative sink) at the cessation of mining.
- The proponent shall prepare an Aquatic Monitoring Strategy in consultation with the Office of Water prior to operations commencing.
- The proponent shall prepare a construction Surface Water Management Plan and a Construction Groundwater Management Plan in consultation with the NSW Office of Water prior to construction commencing.
- The Proponent shall prepare an operational Site Water Management Plan prior to operations commencing. This Plan must be developed in consultation with the Office of Water and include:
 - details of the water use, metering and water management on site,
 - details of water licence requirements,
 - Surface Water Management Plan, and
 - Groundwater Management Plan.
- The Surface Water Management Plan must include:
 - a program to monitor:
 - surface water flows and quality,
 - surface water storage and use, and
 - sediment basin operation,
 - sediment and erosion control plans,
 - mitigation and contingency measures,
 - surface water impact assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts, and
 - a protocol for the investigation and mitigation of identified exceedences of the surface water impact assessment criteria.
- The Groundwater Management Plan must include:
 - baseline data on groundwater levels and quality,
 - a program to monitor groundwater levels and quality,
 - revised groundwater modelling based on the proposed dewatering borefield and final detailed mine design,
 - mitigation and contingency measures,
 - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts,
 - a protocol for the investigation and mitigation of identified exceedences of the groundwater impact assessment criteria.

- a protocol for periodic review of groundwater model calibration and verification of groundwater take predictions and groundwater impacts.

End of Attachment