

# LIDDELL COAL OPERATIONS

## APPENDIX **B**

Modification to Liddell Coal Mine  
(DA 305-11-01 Mod 5)  
NSW Office of Water Submission

**APPENDICES**



OUT13/31618

22 OCT 2013

Ms Alice Smith  
Mining Projects  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Alice.Smith@planning.nsw.gov.au

Dear Ms Smith,

**Modification to Liddell Coal Mine (DA 305-11-01 Mod.5)  
Proposed Modification (Mod.5)**

I refer to your email dated 20 September 2013 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by Fisheries NSW

Fisheries NSW advise no issues.

For further information please contact Scott Carter, Senior Conservation Manager (Port Stephens office) on 4916 3931, or at: [scott.carter@dpi.nsw.gov.au](mailto:scott.carter@dpi.nsw.gov.au).

NSW Office of Water

The NSW Office of Water has reviewed the proposal and is supportive of the water management measures proposed by Liddell Coal Operations (LCO) in their Statement of Commitments. Based upon the impact assessment and predictive model results, an adaptive management strategy is appropriate for the monitoring and mitigation of any potential water management impacts to the Bowman's Creek alluvial system. In addition to the management measures outlined in LCO's Statement of Commitments, the Office of Water provides the following comments for consideration in the development of the conditions of approval.

**Groundwater**

The information presented in the Environmental Assessment (EA) satisfies the minimal impact considerations of the Aquifer Interference Policy (AIP); however the groundwater model and groundwater assessment has not had an independent review, as required under the AIP.

*Recommendation:* that the groundwater model and groundwater assessment is independently reviewed to be robust and reliable prior to commencement of the proposal.

### **Water Licences under the *Water Management Act 2000* and *Water Act 1912***

LCO make an incorrect presumption as to their existing licensing requirements where it is stated "...water use by mining operations at the time of commencement of the Hunter Unregulated and Alluvial WSP (August 2009) is presumed to have been accounted for in the sustainable allocation, and only additional usage from that time requires water licenses". LCO currently do not hold sufficient entitlements under the *Water Management Act 2000* to offset predicted take of groundwater from the alluvial water source associated with the Jerry's Water Source. Additionally as per the AIP, it is the estimated peak demand and not the average demand as put forward that LCO will need to ensure is fully accounted for. LCO currently holds licence allocations of 142 ML/year from Jerry's Water Source. A commitment is requested from LCO to liaise with the Office of Water to determine how to fully account for the 270 ML predicted peak water take from the Jerry's Water Source.

*Recommendation:* that LCO be required to liaise with the Office of Water and ensure that the maximum expected take of alluvial groundwater associated with mine dewatering activities (270 ML) is fully accounted for by way of water access licences or any applicable exemptions.

LCO hold an entitlement of 27 000 ML for the take of water from the hard rock aquifers under the *Water Act 1912*. The proponent owns and operates a number of coal mines in this locality. It is not clear what proportion of the 27 000 ML of hard rock entitlement referenced in the EA is already attributed to offset the take of groundwater from adjacent mines.

*Recommendation:* that LCO nominate the appropriate licence(s) held to cover peak modelled demand of 4000 ML/yr from the hard rock aquifers associated with the Liddell Coal Operation and demonstrate that sufficient unattributed entitlements are available to account for the take prior to commencement of the proposal.

### **Contingencies**

The Office of Water recommends that a Surface and Ground Water Response Plan be prepared to ensure that any unforeseen impacts associated with the proposal are mitigated.

*Recommendation:* It is recommended that a Surface and Ground Water Response Plan is prepared and implemented prior to the commencement of the proposal. The Surface and Ground Water Response Plan must include:

- a. a protocol for the investigation, notification and mitigation of any exceedances of the surface water, stream health and groundwater impact assessment criteria;
- b. measures to mitigate and/or compensate potentially affected landowners for the loss of surface water flows in Bowmans Creek downstream of the development;
- c. measures to minimise, prevent or offset groundwater leakage from the Bowmans Creek alluvial aquifers;
- d. measures to mitigate any direct hydraulic connection between the backfilled open cuts and the Bowmans Creek alluvium if the potential for adverse impacts is detected; and

- e. procedures that would be followed if any unforeseen impacts are detected during the development.

For further information contact Brendan Mee, Water Regulation Officer, (Newcastle Office) on (02) 4904 2524 or at [brendan.mee@water.nsw.gov.au](mailto:brendan.mee@water.nsw.gov.au).

Comment by Office of Agricultural Sustainability and Food Security

In accordance with arrangements for mining proposals that affect agricultural land, the Office of Agricultural Sustainability and Food Security will respond separately to your Department.

For further information please contact Robert Williamson, Leader Regional Services (Orange office) on 6391 3166, or at: [Robert.williamson@dpi.nsw.gov.au](mailto:Robert.williamson@dpi.nsw.gov.au).

Yours sincerely



Tony Heffernan  
**A/Executive Director Business Services**