



31/10/2011

Attention: Paula Poon
Commission Secretariat
NSW Planning Assessment Commission
PO Box 3415
SYDNEY NSW 2001

I wish to object the Maules Creek Coal Project which Aston Resources are putting forward. I believe the severe impact will be placed on my family health, we have three children under 7 years of age, myself and my wife, also my mother & father, and call "Marlow Downs" home.

Our properties adjoin the proposed Maules Creek Coal mine being "Marlow Downs" comprising [REDACTED] and [REDACTED]. These two properties have been designed to run in conjunction with each other, e.g. water entitlements & access to water, etc. – up to this date, this has proven to be sustainable & successful under the title of 'LEITCH BROS'. [Appendix "A"].

I believe the Environmental Assessment Statement is very disturbing, by not placing our properties in the zone of affectation area, this does not give me the

right to be able to the correct negotiations with the proposed coal mine in question, which I believe my family's well being and the farming resources we have, are being placed in a very dangerous position.

Currently, we run our farm comprising of sheep, cattle and horses, along with a large percentage of irrigated cropping, with balance left to rotation of farming with wheat, barley and chickpeas.

Our prominent wind direction, I believe will place the dust from the mine directly onto our properties and homes. As having the experience of use in aerial crop spraying by plane to spray our crops we need a southerly or south easterly, or even a easterly to be able to spray our crops safely to protect our neighbours from drift. My experience of this practice has worked well because we constantly are getting wind from that direction which gives me great concern of the amount of dust from the proposed coal mine. My mother's condition will be put in a life or death situation with proposed coal mine being such a short distance from our properties and homes. She suffers from emphysema and the doctors are concerned of the extra levels of dust particles and other sulphur smells etc.

We object to the noise level which has been outlined in the assessment, as well as the proposed lighting arrangements. Which brings me to the point, - we were never approached by the proposed coal mine to place "noise & dust monitors" to assess the "background" noise & dust levels. The assessment from proposed coal mine monitors were placed some distance from our homes & properties, placing these monitors on public gravel roads does not give correct assessment on the background noise & dust level on our homes & properties.

This is blattened disregard of measuring the TRUE background noise & dust levels prior to the proposed coal mine activities.

We object to the impact that the proposed coal mine will have on our water quality and availability. Back Creek is a vital part of our well being as it replenishes our underground aquifers which we drink, wash and bath in and also to irrigate our crops. Back Creek will be practically be non-existent from the proposed mine assessment as the catchment relies on that area greatly. Back Creek naturally beneficially floods part of our property which is a great tool to the well being of our property. I believe once the proposed mine is started the loss of Back Creek water flows will jeopardize our underground water to the wells which our family relies on for drinking and bathing, and this in turn will have an effect on our family health and well being, and also have a negative effect on our farming income. Back Creek flows quiet regularly with our annual rainfall. It has been a great source of flood water which flows into Maules Creek where they both join our property.

We object to the pressure of the proposed mine puts on the underground aquifer and surface flows on my properties. We rely on Back Creek and Maules Creek for the well being of the underground water we use. We currently have licenses for use for stock and domestic and irrigation water which we access by pumping out of licensed bores and wells as well as a license to pump out of Maules Creek I believe and with the correspondence from the Department of Environment, Climate Change of Water, as well as the previous Minister of the Department of Primary Industries the proposed coal mine will have a major depletion on the water to be accessed on our properties.

The proposed coal mine has failed to present to the appropriate authorities the full details of the outcomes that have been investigated in this area. Late 2006 a Water Sharing Plan were implemented in the area of the proposed coal mine which now called Zone 11 where there was a 73% cut back in allocation of underground water entitlements.

Less than ten months later a Section 323 of the Act (Appendix "A1" and "B") followed by newly gazette Section 324 under the Water Management Act, 2000 which had a profound effect on me being able to access my underground water entitlements. You will note the Department of Water and Energy use a water level height of 0.18m and a flow rate of 1 Meg per day at Elfin Crossing on Maules Creek to trigger a "cease to pump" out of my bores which I use to access my underground water entitlement. The Minister as well as the previous ministers, as well as the departments involved, felt my pumping was affecting water levels up to 20-30 kilometers away and up to 120m upstream in ground height.

I repeat my 2 bores which pump my underground water entitlement, bore being the total depth of 8m pumping 2-3megs per day apparently affecting water levels 20-30kms up to 120m in height above the two bores in question on my property.

So I believe, as well as all the correspondence that our family have received, the proposed coal mine will have a major effect in water levels on my properties as well as the trigger point used by the departments to govern whether I can pump my underground water entitlement to irrigate the crops I plant and harvest to produce an income for the well being my family. (Please see attached Appendix "C").

We object to the misconception of the proposed coal mine Environment Assessment Statement by showing a road that no longer exists on our property. The Assessment in question has written in Back Creek Road located on [REDACTED] [REDACTED] which has been closed for a number of years (Please see attached Appendix "D").

We object to proposed coal mine being able to purchase properties which has been tabled in the Environmental Assessment Statement. The Northern Offsets Properties which has been purchased for this reason is a considerable distance from the proposed coal mine. I believe the private properties that are in neighboring area of the proposed coal mine should be given compensation to be used for appropriate offsets, see attached Appendix "E".

We object to constant and proposed clearing of vegetation in this area by the current proposed coal mines. We have seen a steep rise in numbers of feral animals and non-feral animals since the commencement of the three mines in our area. With the proposed Maules Creek Coal Mine adjoining our properties my fear that we will be unable to be a sustainable farming operation and business as our crops will be constantly damaged and with the threat of disease from feral animals, our livestock will suffer greatly. So far, with a percentage of crops being damaged over the past few years with the rise in numbers of animals we have suffered financially and it will be a great concern when the proposed new coal mine takes place.

We object to the constant blasting the proposed coal mine has illustrated in their assessment. Our concern of damage to our homes sheds and storage dams which

we use for irrigation cropping and management. The damage to our well being and health if this would occur from constant blasting is unforgiveable.

With more activity with mining in this area we have seen a rise in new faces, being people. Sadly not all respect private property rights; therefore, we have seen a rise in the past few years of theft on "Marlow Downs". With the proposed coal mine there will be continual rise in activity in our area, and I fear for my family's safety when this takes place.

In conclusion – our family wish not to jeopardize the proposed coal mines ability to employ & generate wealth for Australian's, BUT - by placing our two properties in the "affectation area", this will enable the correct & valid negotiations by the proposed coal mine for my family to be sustainable & continue in good health.

Thank you.

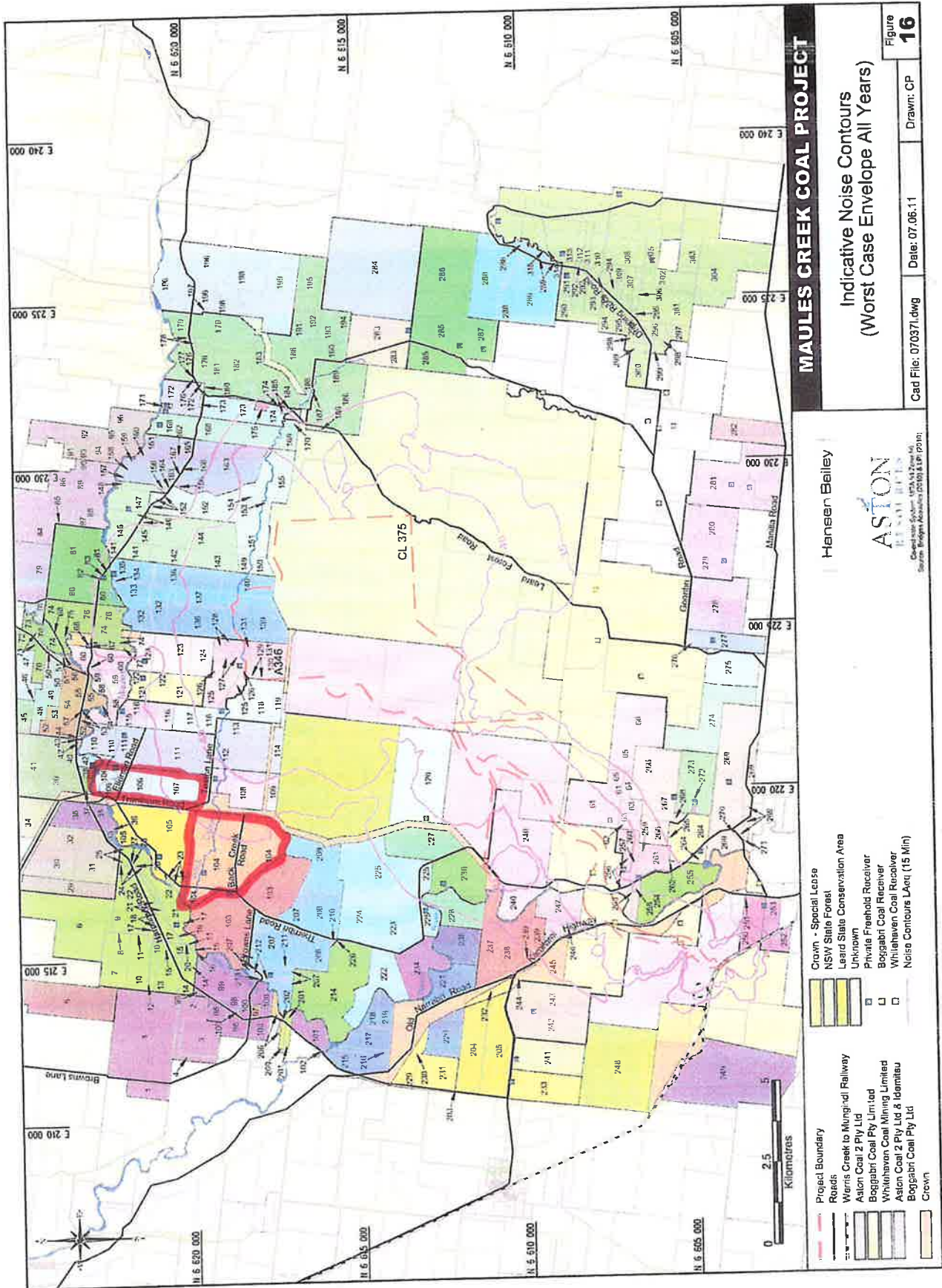
Signed: Lochie Leitch. 



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Impacts, Management and Mitigation



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Office
of Water

Patricia Leitch


Contact: Geoff Cameron[Name]

Phone: 02 6701 9608

Fax: 02 6701 9692

Email: geoff.cameron@water.nsw.gov.au

26 August 2010

Our ref: 90CA807640

Dear Sir/Madam

Temporary Water Restriction Orders – Upper Namoi Groundwater Source (Zone 11)

As you will be aware since December 2007 it has been necessary to impose on a number of occasions temporary water restrictions on the taking of water from your irrigation bore/well(s). These orders have restricted pumping hours when flows in Maules Creek have been less than 1ML/day at Elfin Crossing.

Whilst there is no water restriction order currently in place, you are advised that the NSW Office of Water (NOW) is carefully monitoring the water source and will reinstate temporary restrictions if necessary.

In light of the number of temporary water restriction orders that have been required to date NOW will also be considering whether more permanent management arrangements are required. NOW will consult with users if it is determined that such arrangements are necessary.

Yours sincerely



Geoff Cameron
Licensing Manager
Gwydir Namoi/Border Rivers





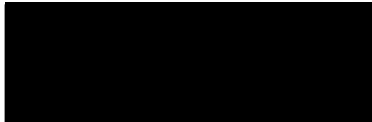
3rd Term 324
1-9-09 — 30th June 10

NSW Office of Water

Department of Environment Climate Change and Water

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MRS PATRICIA CHRISTINE LEITCH




Dear Madam

The purpose of this letter is to notify you that a temporary water restriction order has been made under section 324 (2) of the *Water Management Act 2000* for the Upper Namoi Zone 11 - Maules Creek Groundwater Source.

The order imposes specified restrictions on the taking of water from that aquifer and was published in the NSW Government Gazette number 113 on 18 August 2009, pages 4,815 to 4,816.

The order takes effect on 18th August 2009 and will remain in force until 30 June 2010, unless it is repealed or modified by order before that date. A copy of the order is attached to this letter.

For any further information, please contact Peter Cuell of the Narrabri office of the Office of Water on (02) 67996626.


Dennis Milling
Manager Licensing North
NSW Office of Water
1.9.09



NSW Government
Department of Water & Energy

2nd Term 323
12th Aug 08 - 30 June 09

MRS PATRICIA CHRISTINE LEITCH
[REDACTED]

Contact: Peter Cuell
Phone: (02) 67996625
Fax: (02) 67923004
Email: Peter.Cuell@dnr.nsw.gov.au

File: [MAULES CREEK 2008-08-07 letter.doc]

12TH August 2008

Dear Madam

Subject: Restrictions Under Section 323 of the Water Management Act 2000 on Pumping in the Maules Creek Groundwater Source

As you are a water supply work holder affected by the abovementioned restrictions, I am writing to inform you about the groundwater management measures that were implemented by the Department of Water and Energy on 1 July 2008. The restrictions will apply until 30 June 2009 unless they are repealed or modified at an earlier date.

The Department has decided to introduce the following temporary restrictions in view of the current water shortages:

1. The use of the water supply works identified in Table 1 is restricted to pumping for no more than twelve hours per day when the surface flow in Maules Creek at Elfin Crossing, measured at Elfin Crossing Gauging Station, falls below 1 Megalitre per day.
2. The use of the water supply works identified in Table 1 is further restricted to pumping for no more than four hours per day when the surface flow in Maules Creek at Elfin Crossing, measured at Elfin Crossing Gauging Station, ceases.
3. The pumping hours described in paragraph 2 may be accrued whenever the surface flow in Maules Creek at Elfin Crossing, measured at Elfin Crossing Gauging Station, has ceased and may be taken in the following manner:
 - (a) Pumping no more than one day in six;
 - (b) Pumping no more than two days in twelve; or
 - (c) Pumping no more than four days in twenty four.
4. Pumping in accordance with paragraph 3 must not commence until the pumping hours described in paragraphs 3 (a) to (c) have first been accrued.
5. Pumping in accordance with paragraph 3 must only occur when the surface flow in Maules Creek at Elfin Crossing, as measured at Elfin Crossing Gauging Station, has ceased.
6. The owners of the water supply works described in Table 1 must cause a log book in which the start and end pumping times are accurately recorded, to be maintained and made available to the staff of the Department of Water and Energy on request.



NSW Government

Department of Water & Energy

1st Term 323

7th Nov 07

— 30th June 08

CP Leitch

Contact: Peter Cuell
Phone: (02) 6799 6625
Fax: (02) 6792 3004
Email: peter.cuell@dnr.nsw.gov.au

Our ref: 90CA807640

Dear Sir/Madam

Subject: Restrictions on groundwater pumping in the Upper Namoi Zone 11, Maules Creek Groundwater Source

An Order under Section 323 of the Water Management Act 2000 has been made restricting groundwater extraction in the Upper Namoi Zone 11, Maules Creek Groundwater Source, upstream of Elfin Crossing, from works used for pumping irrigation supplies. A copy of the Order is enclosed with this letter.

Your well/bore(s), which is authorised by the approval 90CA807640, is covered by this Order.

The restrictions, which are detailed in Schedule 1 of the Order, are tied to the flow in Maules Creek at Elfin Crossing. The first level of restriction commences when the flow at Elfin Crossing falls below 1ML/day. This equates to a gauge height at the stream gauging station immediately upstream of Elfin Crossing of 0.18m. The second level of restrictions refers to flow ceasing at the crossing. This is taken as being no flow over the downstream edge of the concrete road crossing.

If you have any queries regarding these restrictions please contact Mr Peter Cuell on (02) 6799 6625

Yours sincerely

per 
Dennis Milling
Manager Licensing North
18th December 2007

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WATER MANAGEMENT ACT 2000 - SECT 324

Temporary water restrictions

324 Temporary water restrictions

(1) If satisfied that it is necessary to do so in the public interest (such as to cope with a water shortage or threat to public health or safety), the Minister may, by order in writing, direct that, for a specified period, the taking of water from a specified water source is prohibited, or is subject to specified restrictions, as the case requires.

(2) If satisfied that it is necessary to do so:

- (a) to maintain or protect water levels in an aquifer, or
- (b) to maintain, protect or improve the quality of water in an aquifer, or
- (c) to prevent land subsidence or compaction in an aquifer, or
- (d) to protect groundwater-dependent ecosystems, or
- (e) to maintain pressure, or to ensure pressure recovery, in an aquifer,

the Minister may, by order in writing, direct that, within a specified area and for a specified period, the taking of water from that aquifer, or from any other aquifer that is above, below or adjacent to that aquifer, is prohibited, or is subject to specified restrictions, as the case requires.

(3) The Minister must cause a copy of an order under this section to be published in the Gazette and notice of the order to be published in an appropriate newspaper.

(4) If satisfied that circumstances require publication of an order under subsection (1) or (2) sooner than can be achieved under subsection (3), the Minister may, prior to its publication under that subsection, cause notice of the order to be broadcast by a television or radio station transmitting to the part or parts of the State within which the water source is situated.

(5) An order under this section takes effect when it is first published or broadcast in accordance with subsection (3) or (4), as the case may be, or at such later date or time as may be specified in the order.

(6) Unless sooner repealed, an order under this section ceases to have effect on the expiry of the period specified in the order.

(7) In the event of any inconsistency between an order under this section and any other provision of this Act relating to the distribution, sharing or taking of water (including any order made, or any condition imposed on an access licence or approval, under this Act), the order under this section prevails to the extent of the inconsistency.

(8) Nothing in this section gives rise to a claim for compensation under Division 9 of Part 2 of Chapter 3.



New South Wales Consolidated Acts

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WATER MANAGEMENT ACT 2000 - SECT 323

Temporary water restrictions

323 Temporary water restrictions

(1) If satisfied that it is necessary to do so in the public interest (such as to cope with a water shortage or threat to public health or safety), the Minister may, by order in writing, direct that, for a specified period, the taking of water from a specified water source is totally prohibited or is restricted as specified in the order.

(2) As soon as practicable after making such an order in respect of a water source, the Minister:

(a) must cause notice of the order to be broadcast by a television or radio station transmitting to the part or parts of the State within which the water source is situated, and

(b) must cause a copy of the order to be published in the Gazette and in one or more local newspapers circulating within the part or parts of the State within which the water source is situated.

(3) An order under this section takes effect when it is first broadcast in accordance with subsection (2) (a), or at such later time as may be specified in the order.

(3A) An order under this section:

(a) ceases to have effect if it is repealed, or

(b) where the order provides that it ceases to have effect on a specified day or on the expiry of a specified period, ceases to have effect on that day or on the expiry of that period, unless the order is sooner repealed.

(3B) In the event of any inconsistency between an order under this section and any other provision of this Act relating to the distribution, sharing or taking of water (including any order made, or any condition imposed on an access licence or approval, under this Act), the order under this section prevails to the extent of the inconsistency.

(4) Nothing in this section gives rise to a claim for compensation under section 87.

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21 July 2009

ATTENTION: GEORGE GATES

Department of Water & Energy

Dear George,

RE: MEETING ON 15 JULY 2009

Thank you very much for the abovementioned meeting which was held at the Department building at approximately 1.30pm. The people present at this meeting were yourself and Sue Hamilton representing the Department and John Clements, Namoi Water and myself, the farmer.

John Clements and myself I wish to take up your offer, in which you would explain the effects using your words "the pumping cone" and the effect it has on the area which can be 60 to 80 metres in height difference and up to 15 to 20 kilometres up stream. Personally, I do not honestly understand that theory and would like you to explain it, because I feel it is very important.

I look forward to your written reply.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'LA Leitch', written over a dotted horizontal line.

Lochie Leitch



Office of Water

Mr Lockie Leitch


File ref: S09/1033

Dear Mr Leitch

Thank you for your letter of 28 July 2009 to Mr George Gates, Groundwater Manager concerning the impact of groundwater pumping near Elfin Crossing on groundwater levels further up the valley.

Groundwater recharge occurs through a combination of rainfall, creek flow losses, side slope runoff and irrigation drainage. Groundwater discharge occurs via natural through-flow to the Namoi alluvium, creek base flows, evapotranspiration and groundwater pumping.

It is generally accepted that in addition to climatic variations (rainfall), land management practices affect groundwater levels. Specific examples are land clearing and groundwater pumping. Such practices can affect groundwater equilibrium levels through the replacement of deep rooted vegetation (trees) with shallow rooted vegetation (pastures/crops), which can cause groundwater levels to rise to a new level during periods of above average rainfall. This can cause the aquifer system to become full. The dryland salinity outbreaks seen across southern Australia in the 1970's and 80's were a consequence of this effect.

Similarly, groundwater pumping is known to exacerbate naturally falling groundwater levels during drought. All groundwater extraction from bores and wells comes from groundwater storage in the first instance. This recognises that groundwater pumping over any timeframe will result in some depletion of groundwater storage (reflected in a lowering of water levels or potentiometric head) that is over and above natural drainage. This is not generally a problem in average rainfall seasons, when regular recharge occurs and groundwater storage can be replenished. Community and environmental concerns often arise, however, when recharge is effectively turned off, for example during severe drought, and the groundwater storage is not being regularly replenished. In these conditions, more water is required to initiate groundwater recharge and the associated water level rises, as the soil must first be re-wetted.

Department of
Environment, Climate Change and Water NSW



The above information is of a general nature only but it helps explain the principle of 'conservation of mass'. That is, no water is created or destroyed but the elements of the water budget are in dynamic equilibrium.


The concept of a drawdown cone is used to communicate the effect that pumping a bore has on the aquifer around it. The size of the cone will vary depending on the hydraulic characteristics of the site, the pumping rate and duration of pumping. To obtain details of the drawdown for any one site a standard aquifer test could be used, or alternatively a hydrogeological consultant could advise you on this matter.

The broader issue of your groundwater pumping affecting groundwater levels in an upstream direction is only indirectly related to interference by a drawdown cone. It is, however, related to the principle of conservation of mass. For example, if a significant volume of groundwater (say 400 – 500ML/yr) is pumped from the Maules Creek alluvial aquifer in the vicinity of Elfin Crossing, during a long protracted drought, the drawdown effects are not just local to the pumping site, although these are the most notable impacts. The effects of local storage depletion are felt over the whole aquifer as a new equilibrium level is approached. In the up-gradient direction at distances of 15-20km, the pumping effects would be minor in nature.

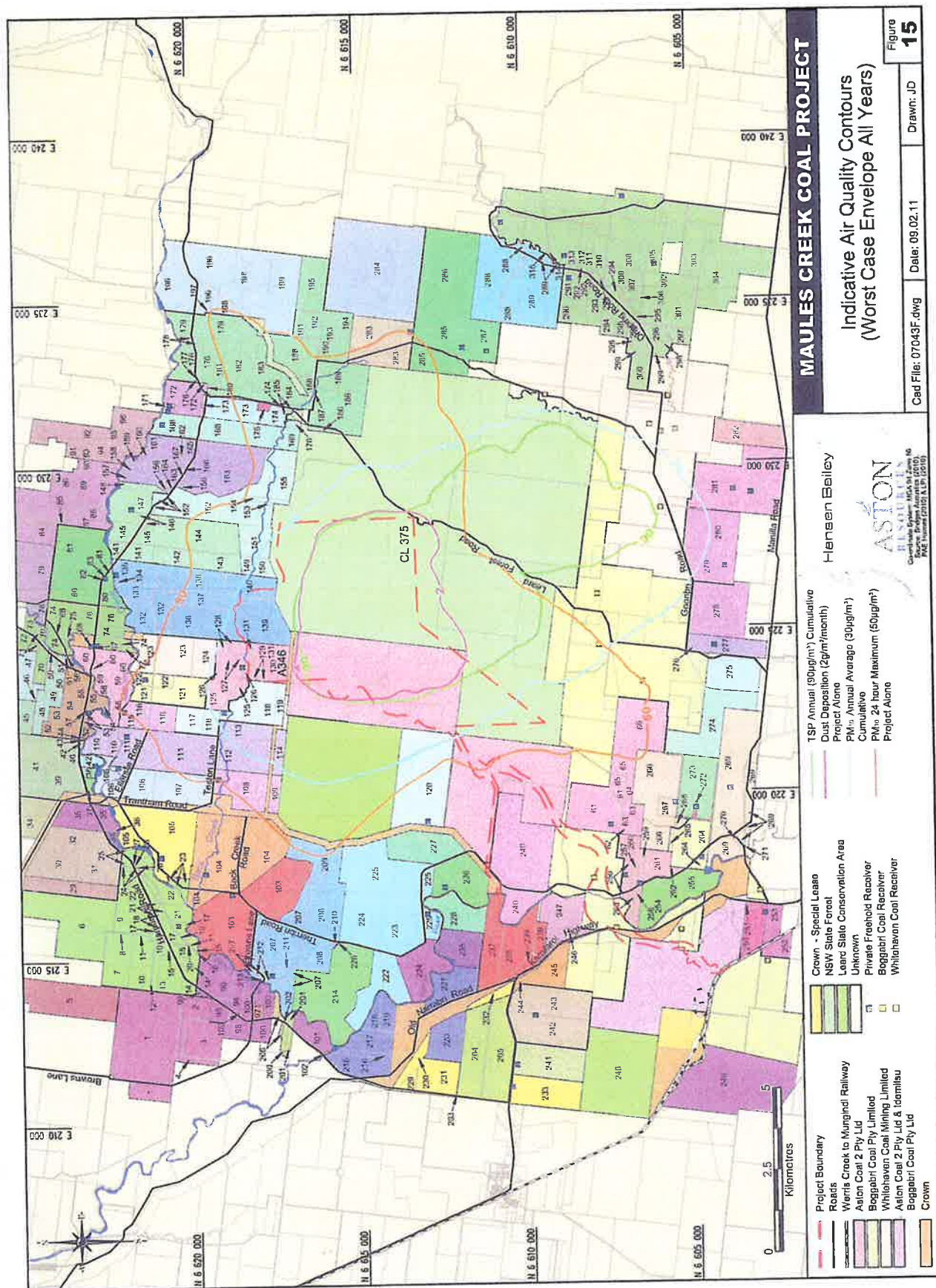
I trust the above advice is helpful to you.

Finally, given that it is your stated intention to bring legal action against the Office of Water over the recent groundwater pumping restrictions, I request that all future correspondence on this matter be directed to me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'David Harriss', with the date '2.9.09' written below it.

David Harriss
Commissioner, NSW Office of Water



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