

# **APPENDIX E:**

## **AGENCY COMMENTS ON AMENDED DEVELOPMENT APPLICATION AND RESPONSE TO SUBMISSIONS**

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D2017/16010

Anthony Ko  
Planning Officer  
Resource Assessments  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Ko

**Amendment and Response to Submissions for Springvale Water Treatment Project – SSD 7592**

Thank you for your email received 11 January 2017 providing the response to submissions (RTS) report, details regarding amendments to the Springvale Water Treatment Project (SSD 7592) and seeking WaterNSW's comments in regards to the amendment and RTS.

WaterNSW notes that the Department is also currently assessing the following projects which are related to the Springvale Water Treatment Project (SWTP):

- Western Coal Services Project Modification 1 to dispose of sludge generated by the SWTP at the reject emplacement area of the Springvale Coal Services Site (SCSS)
- Springvale Mine Extension Project Modification 1 to increase coal production
- Springvale Mine Extension Project Modification 2 to remove salinity target approval condition required to be met by June 2017.

WaterNSW has reviewed the RTS and the amendment and considers the RTS has addressed WaterNSW's earlier comments. WaterNSW's main concerns regarding the RTS and amendment relate to the water quality impact in Wangcol Creek resulting from disposal of sludge from the SWTP at the reject emplacement area (REA) within the SCSS.

The updated Water Resources Impact Assessment Report (December 2016) for the amended proposal states that further refinement of the water and salt balance model, in particular modelling of the high connectivity between the REA and groundwater system, has resulted in predictions of additional water contributing to LDP006 via Cooks Dam with less opportunity for water entrained in the residuals and tailings to be evaporated. This further impacts the discharge water quality at LDP006 with discharges expected to increase by the amended proposal by 0.43ML/day and the average EC of Wangcol Creek by up to approximately 200 $\mu$ S/cm (1480 to 1750 $\mu$ S/cm). The updated Water Resources Impact Assessment Report also states that the proposed changes to the water management system at the SCSS in 2017 as part of Western Coal Services Project Modification 1 is estimated to reduce the average EC by up to approximately 200 $\mu$ S/cm in Wangcol Creek at LDP006, with only a 1% increase in EC at LDP006 compared to existing conditions.

WaterNSW recommends this predicted minor deterioration in water quality in the immediate receiving water of Wangcol Creek be addressed by further mitigation measures. WaterNSW suggests either lining of the REA at the SCSS to prevent salts in the residuals leaching to groundwater system or dewatering of sludge prior to disposal, as recommended by the EPA for Western Coal Services Site Modification 1 (dated 13 December 2016), to remove excess water from the sludge. An adaptive approach for managing salt levels and loads should be required.

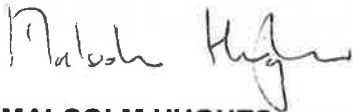
WaterNSW recommends that the water and salt balance at LDP006 should be updated once the proposed separation of clean and dirty water systems at the SCSS is implemented and actual monitoring is undertaken as part of Western Coal Services Site Modification 1.

WaterNSW requests clarification in regards to the amended Wangcol Creek monitoring program whether the proposed reduction relates to the existing monitoring program or monitoring proposed for the original SWTP which involved discharge in the vicinity of LDP006.

WaterNSW recommends that Springvale Mine Extension Project Modification 2 should not be determined until the SWTP is determined and the SWTP should have a condition requiring the Project to be constructed and implemented within 18 months of the approval to ensure current untreated mine water discharges occurring at LDP009 as part of the Springvale Mine Extension Project approval ceases as early as possible.

WaterNSW requests the opportunity to continue to be involved in any ongoing assessment of the Project. Further queries about our submission can be directed to Girja Sharma on 47242459.

Regards



**MALCOLM HUGHES**  
**Manager Catchment Protection**

Cc – Darryl Clift – EPA, Bathurst

8/2/17

## Paul Freeman

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**From:** Darryl Clift  
**Sent:** Wednesday, 18 January 2017 3:53 PM  
**To:** Anthony Ko  
**Subject:** FW: Springvale Water Treatment Project (SSD 7592) - RTS and DA Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Anthony

EPA has no further comment on the Project.

Regards

### Darryl Clift

#### Head Regional Operations Unit – Central West

South Branch, NSW Environment Protection Authority

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**From:** Andrew Helms **On Behalf Of** EPA RSD Central West Mailbox  
**Sent:** Monday, 16 January 2017 12:02 PM  
**To:** Darryl Clift <[Darryl.Clift@epa.nsw.gov.au](mailto:Darryl.Clift@epa.nsw.gov.au)>  
**Cc:** Allan Adams <[Allan.Adams@epa.nsw.gov.au](mailto:Allan.Adams@epa.nsw.gov.au)>  
**Subject:** RE: Springvale Water Treatment Project (SSD 7592) - RTS and DA Amendment

File EF13/3625 actually

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**From:** Andrew Helms **On Behalf Of** EPA RSD Central West Mailbox  
**Sent:** Monday, 16 January 2017 11:57 AM  
**To:** Darryl Clift <[Darryl.Clift@epa.nsw.gov.au](mailto:Darryl.Clift@epa.nsw.gov.au)>  
**Cc:** Allan Adams <[Allan.Adams@epa.nsw.gov.au](mailto:Allan.Adams@epa.nsw.gov.au)>  
**Subject:** FW: Springvale Water Treatment Project (SSD 7592) - RTS and DA Amendment

Darryl – FYI. This has been TRIMed to Springvale's EF13/3933.

AH

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**From:** Alison Cochrane **On Behalf Of** EPA Planning Matters Mailbox  
**Sent:** Wednesday, 11 January 2017 6:25 PM  
**To:** EPA RSD Central West Mailbox <[central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au)>  
**Subject:** FW: Springvale Water Treatment Project (SSD 7592) - RTS and DA Amendment

Afternoon,

Please see incoming from Planning Matters Mailbox for all necessary action.

Thanks

Alison

**Alison Cochrane**

**Manager Executive Services**

Corporate Services Branch  
NSW Environment Protection Authority  
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[@EPA\\_NSW](#)

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**From:** Anthony Ko

**Sent:** Wednesday, 11 January 2017 3:57 PM

**To:** Melanie Klootwijk <[Melanie.Klootwijk@fcnsf.com.au](mailto:Melanie.Klootwijk@fcnsf.com.au)>; Steve Cozens <[steve.cozens@industry.nsw.gov.au](mailto:steve.cozens@industry.nsw.gov.au)>; [lauren.stevens@lithgow.nsw.gov.au](mailto:lauren.stevens@lithgow.nsw.gov.au); David Geering <[David.Geering@environment.nsw.gov.au](mailto:David.Geering@environment.nsw.gov.au)>; Mitchell Isaacs <[mitchell.isaacs@dpi.nsw.gov.au](mailto:mitchell.isaacs@dpi.nsw.gov.au)>; Allan Adams <[Allan.Adams@epa.nsw.gov.au](mailto:Allan.Adams@epa.nsw.gov.au)>; [Andrew.Mcintyre@rms.nsw.gov.au](mailto:Andrew.Mcintyre@rms.nsw.gov.au)

**Cc:** [environmental.assessments@water.nsw.com.au](mailto:environmental.assessments@water.nsw.com.au); Planning Matters Mailbox <[planning.matters@environment.nsw.gov.au](mailto:planning.matters@environment.nsw.gov.au)>; [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au); [industry.coordination@industry.nsw.gov.au](mailto:industry.coordination@industry.nsw.gov.au); [Development.western@rms.nsw.gov.au](mailto:Development.western@rms.nsw.gov.au); [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

**Subject:** Springvale Water Treatment Project (SSD 7592) - RTS and DA Amendment

**Springvale Water Treatment Project (SSD 7592)  
Development Application Amendment and  
Response to Submissions**

Springvale Coal has amended its Development Application for the Springvale Water Treatment Project (SSD 7592). The amendment can be accessed on the [Major Projects website](#).

In general, the amended DA includes:

- transferring excess treated water from the project to Thompsons Creek Reservoir instead of discharging it offsite; and
- increasing the capacity of the water treatment plant and pipeline from 36 ML/day to 42 ML/day.

Springvale Coal has also submitted its response to submissions document, which is also available on the MP website.

If you have any further comments on the project, please provide them to me by return email by **Friday 3 February 2017**.

Kind Regards

**Anthony Ko**

Planning Officer | Resource Assessments | Planning Services  
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001  
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Level 22, 320 Pitt St, Sydney, 2000



Office of  
Environment  
& Heritage

DOC17/21859  
SSD 7592

Mr Anthony Ko  
Planning Officer  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Anthony

**Springvale Water Treatment Project (SSD 7592) - Response to Submissions**

Thank you for your email dated 11 January 2017 seeking comments from Office of Environment and Heritage on the Response to Submissions for the proposed Springvale Water Treatment Project.

We have reviewed the Response to Submissions document against our comments provided on 8 November 2016. While the RTS adequately addresses a number of OEH's concerns, there are also a number of unresolved issues. Our recommendations are listed in **Attachment A**, and our detailed comments are provided in **Attachment B**.

Should you require further information regarding issues that are the responsibility of the OEH please contact Steven Cox, Senior Team Leader Planning North West on 02 6883 5335 or email [steven.cox@environment.nsw.gov.au](mailto:steven.cox@environment.nsw.gov.au)

Yours sincerely

**PETER CHRISTIE**  
**A/Director North West Branch**  
**Regional Operations Division**

3 February 2017

Contact officer: STEVEN COX  
02 6883 5335



**ATTACHMENT A**

**OEH Recommendations for the Springvale Water Treatment Project**

1. OEH recommends that a consent condition is provided that requires the proponent to notify OEH (NW Senior Team Leader Planning) and DPE within 5 working days of identifying that any *Caesia parviflora* will be impacted by the Springvale Water Treatment Project.
2. OEH recommends that a consent condition is provided that requires the proponent to prevent public access to the site during construction and operation.
3. OEH recommends that the proponent demonstrate how they have undertaken the following reasonable steps before applying the offset variation rules for the Springvale Water Treatment Project:
  - a) Checking the BioBanking public register and placing an expression of interest for credits wanted on it for at least six months;
  - b) Liaising with an OEH office and relevant local councils to obtain a list of potential sites that may meet the requirements for offsetting;
  - c) Considering properties for sale in the local area; and
  - d) Providing evidence of why offset sites are not feasible; suitable evidence may include:
    - i. The willingness of a landowner to sell or establish a biobank site; and
    - ii. The cost of an offset itself should not be a factor unless it can be demonstrated the landowner is charging significantly above market rate.
4. OEH recommends that DPE provide a consent condition for the Springvale Water Treatment Project that outlines the ecosystem and species credits required for the project and that they must be offset according to the NSW Biodiversity Offset Policy for Major Projects and the Framework for Biodiversity Assessment (FBA).

**ATTACHMENT B****Springvale Water Treatment Project Detailed Comments****Resolved Issues**

OEH is satisfied with the responses to recommendations 1, 2, 3, 4, 5, 6 and 13.

**Unresolved Issues and Recommendations**Issues 7, 8 and 9 – *Caesia parviflora*

*Caesia parviflora* is listed as a Matter for Further Consideration in the Springvale Water Treatment Project Secretary's Environmental Assessment Requirements. The proponent has identified three individuals in the project footprint but intends to avoid all impacts on *Caesia parviflora* during the final positioning of impacts in the field. In the event where the proponent is unable to demonstrate avoidance of all impacts to *Caesia parviflora*, OEH will advise the Department of Planning and Environment (DPE) on the possible need and quantum of additional offsetting requirements for the species.

1. OEH recommends that a consent condition is provided that requires the proponent to notify OEH (NW Senior Team Leader Planning) and DPE within 5 working days of identifying that any *Caesia parviflora* will be impacted by the Springvale Water Treatment Project.

Issue 10 – Access

The proponent's response only addresses potential public access to the site during construction. The proponent's response does not identify any measures that will be undertaken to ensure that the public cannot access the site during operation of the pipeline. OEH requests that such measures are developed and implemented to prevent public access to the local area via the pipeline during operation.

2. OEH recommends that a consent condition is provided that requires the proponent to prevent public access to the site during construction and operation.

Issue 11 – All Reasonable Steps

The proponent has not demonstrated in the EIS or the RTS that they satisfied all reasonable steps in order to be able to apply the FBA offset variation rules. The explanation in the RTS does not fully address the issue. The RTS discusses the suitability of BioBanking Site 66 for the project, concluding that the BioBanking site would be of little value to the Springvale Water Treatment Project. OEH can confirm that BioBanking Site 66 does not provide like-for-like offsetting opportunities for the Springvale Water Treatment Project. The proponent has not demonstrated that they have undertaken the following steps:

- Checking the BioBanking public register and placing an expression of interest for credits wanted on it for at least six months;
- Liaising with an OEH office and relevant local councils to obtain a list of potential sites that may meet the requirements for offsetting;
- Considering properties for sale in the local area; and
- Providing evidence of why offset sites are not feasible; suitable evidence may include:
  - The willingness of a landowner to sell or establish a biobank site
  - The cost of an offset itself should not be a factor unless it can be demonstrated the landowner is charging significantly above market rate.

The above steps must be undertaken before the offsetting variation rules can be applied.

3. OEH recommends that the proponent demonstrate how they have undertaken the following reasonable steps before applying the offset variation rules for the Springvale Water Treatment Project:
  - e) Checking the BioBanking public register and placing an expression of interest for credits wanted on it for at least six months;
  - f) Liaising with an OEH office and relevant local councils to obtain a list of potential sites that may meet the requirements for offsetting;
  - g) Considering properties for sale in the local area; and
  - h) Providing evidence of why offset sites are not feasible; suitable evidence may include:
    - iii. The willingness of a landowner to sell or establish a biobank site
    - iv. The cost of an offset itself should not be a factor unless it can be demonstrated the landowner is charging significantly above market rate.

#### Issue 12 – Western Region Biodiversity Offset Package

The EIS and RTS have not demonstrated that the WRBOP has adequate offset lands for the Springvale Water Treatment Project. OEH is currently reviewing the December 2016 version of the WRBOP. OEH will provide DPE with advice on the suitability of the WRBOP for the Springvale Water Treatment Project as part of OEH's review of the WRBOP, which is currently underway.

4. OEH recommends that DPE provide a consent condition for the Springvale Water Treatment Project that outlines the ecosystem and species credits required for the project and that they must be offset according to the NSW Biodiversity Offset Policy for Major Projects and the Framework for Biodiversity Assessment (FBA).



## Department of Primary Industries

OUT17/5434

Mr Anthony Ko  
Resource Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Anthony.ko@planning.nsw.gov.au

Dear Mr Ko

### **Springvale Water (SSD 7592) Comment on the Response to Submissions Report**

I refer to your email of 11 January 2017 to the Department of Primary Industries (DPI) in respect to the above matter. Comment has been sought from relevant divisions of DPI. Views were also sought from NSW Department of Industry - Lands that are now a division of the broader Department and no longer within NSW DPI. Any further referrals to DPI can be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

DPI has reviewed the Response to Submissions and provides the following comments:

- DPI notes that its earlier submission requested details on all watercourse crossings associated with the project. DPI recommends that a condition of consent requiring the proponent to prepare a watercourse assessment report which provides details on all watercourses proposed to be crossed by the project, prior to any construction of the crossings commencing. This should be developed to ensure adherence to DPI Water's *Guidelines for Controlled Activities*, and include:
  - the number of proposed crossings;
  - the location of the crossings;
  - the proposed watercourse crossing type (i.e. pipeline or new road/access crossings);
  - the proposed pipeline crossing methodology for each crossing (i.e. directional drill; attached to an existing structure or open cut trenching);
  - whether any fragile types of watercourses (such as channelised fill systems, chain of ponds and valley fill systems) are proposed to be crossed;
  - whether any native riparian vegetation will be removed or disturbed by the crossings;
  - the rehabilitation of watercourses/riparian vegetation affected by the crossings.
- The assessment report should ensure that appropriate scour calculations for bankful flow have been undertaken to determine the appropriate pipeline depth at the watercourse crossings.
- The project should monitor all watercourses impacted by the pipeline crossing and/or any new road/access track crossings until the watercourses are identified as stable by an independent suitably qualified certifier.

- The proponent should clarify if the macroinvertebrate monitoring is still proposed now that the project intends to transfer excess treated water to Thompsons Creek Reservoir instead of discharging any excess treated water to Wangcol Creek. Aquatic monitoring of the watercourse is still recommended in relation to the geomorphic changes that might occur due to construction of the crossings particularly where trenching of watercourses is proposed.
- The proponent must consult with the Department of Industry – Lands (via [lands.ministerial@industry.nsw.gov.au](mailto:lands.ministerial@industry.nsw.gov.au)) to determine the appropriate legal occupations of the Crown road that is intersected by the Cocks River Water Supply Pipeline.

Yours sincerely



Mitchell Isaacs  
**Director, Planning Policy & Assessment Advice**  
3 February 2017

*DPI appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here:*  
<https://goo.gl/o8TXWz>



## Department of Primary Industries

## Attachment A

### ***Project Name (Project Number)*** **Comment on the Response to Submissions Report** **Detailed comments -**

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End Attachment A



Mr Anthony Ko  
Planning Officer  
Resource Assessments & Planning Services  
Department of Planning & Environment  
GPO Box 39 SYDNEY NSW 2001

Anthony.Ko@planning.nsw.gov.au

Dear Anthony

**Springvale Mine Water Treatment Project (SSD 7592) and Amendment  
Response to Submissions**

I refer to your email dated 11 January 2017 inviting the Division of Resources & Energy (The Division) to provide comments on the Response to Submissions (RTS) for the Springvale Water Treatment Project.

The Division has reviewed and assessed the adequacy of information in relation to Springvale Water Treatment Project RTS and provides the following advice.

The Division has determined that sustainable rehabilitation outcomes can be achieved as a result of the project and that any identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the *Mining Act 1992*.

The Division wishes to emphasise that aspects of the Project that are within Mining Title areas will need to be incorporated into an appropriate Rehabilitation Management Plan/Mining Operations Plan (RMP/MOP). This may require modification to the existing RMP/MOP documents for:

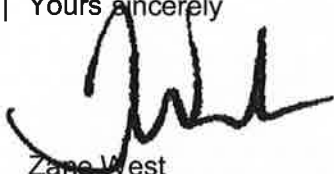
- Springvale Colliery (part MPL314, ML1323 and, if applicable, ML1326 – which is a subsurface only lease),
- Western Coal Services (part MPL314, ML1448, ML1352 and any lease granted in respect of MLA497), and;
- Angus Place Colliery (if applicable).

Should a separate RMP be prepared for the Project, as proposed, content relevant to each of the Springvale, Western Coal Services and Angus Place sites will need to be incorporated into the existing RMP/MOP documents (possibly in the form of an Addendum or Appendix) to ensure these documents remain accurate and comprehensive.



Should you have any enquires regarding this matter please contact Steve Cozens, Senior Project Officer, Royalty & Advisory Services on 9842 8573.

| Yours sincerely

A handwritten signature in black ink, appearing to read 'Zane West', written over the printed name.

Zane West

**Manager Royalties & Advisory Services**

