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Mr J Kailath
Senior Project Officer – The Office of Chief Scientist and Engineer
GPO Box 5477
SYDNEY NSW 2001

27th February 2019

Dear Mr Kailath

SUPPLEMENTARY SUBMISSION ON THE TERMS OF REFERENCE FOR THE INDEPENDENT PANEL FOR MINING IN THE DRINKING CATCHMENT

Thank you for the opportunity provided for representatives of Council to meet with members of the Independent Expert Panel for Mining in the Drinking Catchment (Panel) on 12th February 2019.

An invitation was provided at this meeting for Council to lodge a supplementary submission to its original submission on the Terms of Reference for the investigation by the Panel dated 28th June 2018. The following provides comments over two issues that the Panel sought additional information and recommended response by the Panel and the NSW Office of Chief Scientist and Engineer (Chief Scientist).

(i) Assessment of water quality and quantity issues associated with mining in the Drinking Catchment

Council's original submission expressed the view that the issued Terms of Reference did not require a detailed analysis of the effects of mining operations on the quality of surface and groundwaters sources including the connectivity of these sources. It recommended in relation to this matter that the "Panel review the types and reliability of prediction, monitoring and response methodologies related to both the quality and quantity of surface and groundwaters associated with mining operations".

The comments made by members of the Panel that the investigation of specific water quality impacts was not possible within the stipulated timeframes for the provision of its Report on Stage 2 to the NSW Department of Planning and Environment is acknowledged. However, Council Staff maintain that water quality is paramount and are concerned that this not being specifically investigated by the Plan and therefore it is requested to be noted by the Office of Chief Scientist given the considered close interrelationship between the quality and quantity of drinking water. The view expressed by Dr Galvin that this matter was likely be raised as an 'emerging issue' for further investigation in its Report is supported in principle. **It is requested that the Office of Chief Scientist note this support and carry out targeted consultation with stakeholder groups at the commencement of this 'further investigation' that includes Wollondilly Shire Council.**

(ii) Experience of Council with Trigger Action Response Plans

Members of the Panel at the meeting were noted to seek additional information from Council over its experience with Trigger Action Response Plans and their adequacy in protecting and

responding to impacts from mining on the condition of local waterways. Council's original submission recognised the need for such Plans but expressed shortcomings in this approach given its focus is to respond to impacts to waterways subsequent to Determination.

Council Staff present at the meeting referred to a recent study by Dr Ian Wright from the Western Sydney University which examined the potential impacts of mining on Redbank Creek as an example of experienced shortcomings in this approach. The research paper on this study is attached for review by the members of the Panel.

It is noted that a submission on the Tahmoor South Project Application providing detailed comments on environmental impacts will be considered by Council at its meeting on 18th March 2019. This submission summarises the concerns raised in relation to the adequacy of the Prediction/Monitoring Approach, particularly the impacts on Redbank Creek and overall impacts of mining operations. The submission raises some key issues, summarised below;

- Actual subsidence levels have been noticed to have exceeded the predicted levels at the assessment stage at a relatively common occurrence
- The significant impacts to the ecological health of a waterway as a result of mining directly beneath waterways is considered highlighted by the outcomes of the research study by Dr Ian Wright in relation to Redbank Creek. The identified impact is viewed as being of such a significant level that the ability of the noted required Creek Restoration Plan by the NSW Division of Resources and Geoscience to achieve a full restoration of the creek to its ecological condition prior to mining is strongly questioned.
- There needs to be a detailed hydrogeological investigation to identify the greatest possible extent possible impacts associated with mine induced fracturing on interaction of mining induced fracturing and surface and groundwater sources at the application stage rather than being the primary responsibility of Extraction Plans.
- Trigger Response Plans should be based on a strong scientific investigation and analysis of extensive baseline data which, (preferably), occurs at the application stage.

It is recommended that each of the above views of Council be considered by the Panel both as part of Terms of Reference 2 as well as any future investigations in relation to 'emerging issues'.

It would be appreciated if this supplementary submission could be recorded as a formal submission and be made publicly available on the website of the NSW Office of Chief Scientist and Engineer.

Please contact Council's Acting Team Leader Environmental Services, David Henry, on (02) 4677 9687 or via e-mail david.henry@wollondilly.nsw.gov.au for any enquiries regarding the supplementary submission.

Yours faithfully



Mike Nelson
Acting Director
Infrastructure and Environment