

14 December 2018

Environmental Assessment Officer
Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Melissa Anderson

Dear Melissa,

Subject: Newstan Colliery (DA 73-11-98) - Modification 8
Response to RTS – Lake Macquarie City Council

Thank you for providing the applicant's Response to Submissions (RTS) and requesting further comments from Council following my initial letter of 24 October 2018.

Council staff have reviewed the RTS, met with the Department, and have also met with the proponent to discuss the project with the assistance of additional detail on groundwater modelling and a general background to the project.

This process enabled a more thorough understanding of the proposed modification as it relates to the existing development consent, environmental impacts and long term strategies of Centennial Newstan.

Whilst the additional information and discussions relating to the modification provide more certainty with regard to geological structure and future mining operations, it is apparent that the project also reflects a significant mine extension.

Council maintains the views expressed in its submission dated 24 October 2018, and questions the reasonableness of extending the area of mining through a modification rather than a fresh development application with associated full and thorough assessment.

In the event that the application is to be considered for approval, Lake Macquarie City Council seeks imposition of the following conditions to protect its interests:

1. The applicant shall undertake a program of surface and groundwater monitoring within the Kilaben Creek catchment to determine baseline conditions and post mining changes, in consultation with Lake Macquarie City Council. Monitoring data shall be made available to the Council.
2. The applicant shall undertake a program of biodiversity monitoring on that part of Lot 463 DP 1138964 that is affected by the proposal, in consultation with Lake Macquarie City Council. Monitoring shall be consistent with monitoring required in the Lake Macquarie City Council Awaba Biodiversity Conservation Area – Plan of Management 2015.

3. The applicant shall enter into a legal agreement with Lake Macquarie City Council to indemnify the Council against any loss or damage to its land, or biodiversity, or any management cost that may arise from disturbance to the land. The agreement shall provide for financial security to adequately cover potential losses or damage.
4. In the event that any surface disturbance to Lot 463 DP 1138964 results from the development, the applicant shall locate and make all necessary arrangements to secure biodiversity offsets to compensate for that surface disturbance, to the satisfaction of the Lake Macquarie City Council, the NSW Department of Planning and Environment, and the Commonwealth Department of Environment and Energy.
5. In the event that any surface disturbance to Lot 463 DP 1138964 resulting from the development, the applicant shall:
 - Rectify any subsidence including damage to native vegetation, habitats or ecosystems, restoring these back to their original condition, and
 - Restore any areas subject to subsidence such that they are safe for human access.

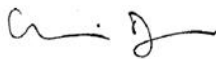
Any restoration or rehabilitation shall meet Council requirements.

Note: that damage includes any disturbance to native vegetation, habitat or ecosystems or any decline or change due to changed hydrological conditions, water or air quality.

Thank you for the opportunity to make further comments in relation to the Council's submission.

Should you require further information, please contact the undersigned on 4921 0311 or by e-mail on cbdwyer@lakemac.nsw.gov.au.

Yours faithfully



Chris Dwyer
Principal Development Planner
Development Assessment and Certification