

Dear Hamish,

re modification 2, Council maintains that at its submission that:

“Marine Ecology

LMCC notes inconsistencies between the body of the report and the Section 6 of the SEE identifies commitments made to negate or minimise potential summary of mitigations.

LMCC requests that Section 6 Mitigation Measures of the report should include the following:

- Triggers for mitigation — 20% decline in condition from the base year survey or mining induced subsidence of 150mm or greater recorded at one of the monitoring sites.
- If loss of seagrass habitat is found to occur as a result of subsidence, then LakeCoal commits to undertaking remediation strategies to replace an equal area of any loss of seagrass habitat.
- On-site remediation measures will be undertaken in the first instance. Should remediation on-site not be viable, mitigation would be undertaken at other sites within Lake Macquarie in consultation with DPI Fisheries and LMCC.

It is requested that the proponent identify the monitoring period for seagrass and benthic fauna, and that the monitoring period be based on the risk of subsidence on a temporal scale.”

It is recommended by Council that these issues be treated in the final report as “statement of commitments”.

The Statement of Commitments should be updated to reflect the peak flowering time for the required pre-disturbance surveys of *Tetralitha juncea* (mid September to mid October) as outlined in the Lake Macquarie *Tetralitha juncea* Planning and Management Guidelines (2014). Surveys outside this time are likely to either underestimate abundance or not detect the species at all.

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