



OUT15/20282

Mr Hamish Aiken
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Dear Mr Aiken

**Mannering Colliery Modification 3 (MP06_0311)
Chain Valley Colliery Modification 2 (SSD-5465)**

I refer to your email dated 15 July 2015 requesting an assessment of LakeCoal Pty Ltd's application for approval from the Minister for Planning to modify both the Mannering Colliery and Chain Valley Colliery approvals under Sections 75W and 96(2) of the *Environmental Planning and Assessment Act 1979*, respectively.

NSW Department of Industry, Skills and Regional Development, Division of Resources & Energy (DRE) has reviewed the *Mannering Colliery – Modification 3 Environmental Assessment Section 75W Modification to MP06_0311* (EA) and the *Chain Valley Colliery – Modification 2 Statement of Environmental Effects Section 96 Modification to SSD-5465* (SEE) dated July 2015 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal.

DRE notes that the proposed modification has a minor change to the spatial extent of the operation resulting in a minor additional rehabilitation obligation. The EA and SEE have not identified general rehabilitation strategies and objectives, and do not adequately describe the functional domains of this project. Specific performance objectives and standards of each domain have not been satisfactorily described, but these can be addressed through amendments to the Mining Operation Plan (MOP).

RECOMMENDED CONDITIONS OF APPROVAL

DRE recommends that the following conditions be incorporated into the Development Consent modifications for both Mannering and Chain Valley Collieries, if granted:

Rehabilitation Objectives and Commitments

The Proponent shall rehabilitate the site to the satisfaction of the Secretary of Department of Industry, Skills and Regional Development.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives in Table 1 below.

Rehabilitation Feature	Objective
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).
Rehabilitation materials	Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation.
Landforms	<p>Final landforms sustain the intended land use for the post-mining domain(s).</p> <p>Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape.</p> <p>Final landforms incorporate design relief patterns and principles for consistent with natural drainage.</p>
Water Quality	<p>Water retained on site is fit for the intended land use(s) for the post-mining domain(s).</p> <p>Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance.</p> <p>Water management is consistent with the regional catchment management strategy.</p>
Native flora and fauna habitat and corridors	<p>Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats.</p> <p>Species are selected that re-establishes and complements regional and local biodiversity.</p>

Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities in a manner that, as far as is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Secretary of Department of Industry, Skills and Regional Development.

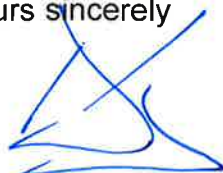
Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Secretary of Department of Industry, Skills and Regional Development.
2. Rehabilitation Plan must:
 - a. be submitted and approved by the Secretary of the Department of Industry, Skills and Regional Development prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;
 - b. be prepared in accordance with DRE guidelines and in consultation with the Department, Office of Environment and Heritage, Environmental Protection Authority, Office of Water, Council and the mine Community Consultative Committee;
 - c. incorporate and be consistent with the rehabilitation objectives in the EA, the statement of commitments and Table 1;
 - d. integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,
 - e. address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

Note: The approved Mining Operation Plan (which will become the REMP once the Mining Act Amendments have commenced), required as a condition of the Mining Lease(s) issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.

Should you have any enquires regarding this matter please contact Peta Johannessen, Project Officer, Industry Coordination, on (02) 4931 6613.

Yours sincerely



Adrian Delany
A/Director Industry Coordination

6.8.15