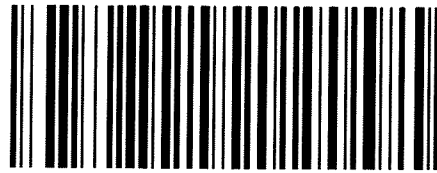


7 August 2015



PCU060959

NSW DEPARTMENT OF PLANNING & ENVIRONMENT

~~PO Box 1226~~ GPO BOX 39
~~NEWCASTLE NSW 2300~~ SYDNEY NSW 200

Department of Planning
Received

11 AUG 2015

Scanning Room

Dear Sir/Madam

Subject: MP 06_0311 Mod 3 - Mannering Colliery - An Increase In The Maximum Rate Of Rom Coal

Please find below Council's response to the proposed development:

Air Quality

The application draws on a previous Air Quality Impact Assessment (AQIA – Holmes Air Sciences 2007), that has been contemporised to reflect the current extraction conditions. This AQIA was prepared for a coal extraction project of up to 1.1 mtpa at Mannering Colliery, and the results were extrapolated to 1.3 mtpa as appropriate. It is noteworthy that the AQIA did not identify any potential exceedances to TSP, or PM10 emissions. Nevertheless, using an indirect measurement process, the AQIA reported that at 1.1 mtpa extraction, the annual average PM10 emissions as modelled, may be as high as 23 µg/m3 (unknown destination). This modelled annual average PM10 level is close to the accepted impact criteria of 30 µg/m3.

Given that this application will see the increase in production of coal from the site, from 1.1 to 1.3 mtpa, and PM10 emissions from the previous application (extraction to 1.1 mtpa) was not directly modelled, and further, was anticipated to be close to the accepted impact criteria, Council requests that a revised AQIA that more comprehensively investigates the impact assessment criteria be undertaken. Revised modelling should include the impact assessment of TSP, PM10, PM2.5, deposited dust, and other pollutants as relevant to the project. Modelling should be consistent with the guidelines provided in the Approved Methods.

Bushfire Management

Any clearing for the purpose of bushfire protection, should be conducted in a manner that does not result in exposed earth. Sufficient groundcover should be present to prevent erosion and in-filling of the dams that form an important part of the surface water system.

Ecology

The ecological assessment (Section 5.5) was undertaken on 8 April 2015 and states that targeted surveys were undertaken for threatened plants, however the threatened black-eyed susan *Tetratheca juncea* is only able to be detected when in flower (peak time mid September to mid October). *T. juncea* is known to occur within one of the vegetation communities recorded at the site (Smooth-barked Apple- Red Bloodwood open forest

HU621), and several records occur within the surrounding area (EMM unpublished data 2014 within Table F.2). The species cannot be presumed absent from the site and should therefore be included within the assessment of significance for TSC Act listed species (F.2) and EPBC Act listed species (F3).

The threatened squirrel glider *Calyptorhynchus lathamii* is known to occur within one of the vegetation communities recorded at the site (Smooth-barked Apple- Red Bloodwood open forest), and has been previously recorded from the Vales Point Power Station Perimeter Lands (EMM within Table F.2). It appears no nocturnal surveys were undertaken as part of the ecological assessment. The species cannot be presumed absent from the site and should therefore be included within the assessment of significance for TSC Act listed species (F.2).

The threatened glossy-black cockatoo *Petaurus norfolcensis* is known to occur within one of the vegetation communities recorded at the site (Smooth-barked Apple- Red Bloodwood open forest), and several records of the species occur within 10 km of the survey area (EMM within Table F.2). Preferred foraging habitat (black sheoak *Allocasuarina littoralis*) is listed as a dominant midstory species of Smooth-barked Apple- Red Bloodwood open forest within the description of the vegetation community at the subject site (Table 5.13). The species cannot be presumed absent from the site and should therefore be included within the assessment of significance for TSC Act listed species (F.2).

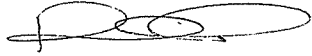
The swamp oak floodplain forest endangered ecological community (EEC) description (Section 5.5.1 vii) includes paperbarks *Melaleuca* sp. as subordinate trees. The threatened biconvex paperbark *Melaleuca biconvexa* grows in damp places, often near streams or low-lying areas on alluvial soils of low slopes or sheltered aspects. Biconvex paperbark (as with other melaleucas) can be identified year-round, and the occurrence or otherwise of threatened melaleucas within this EEC should be identified.

The impact assessment (Section 5.5.2) states that trees will only be selectively removed within the proposed APZ to meet the criteria of 15% cover in the IPA and 30% cover in the OPA, however lacks specific information regarding trees proposed for removal and retention. Trees should be marked on a tree retention or site analysis plan, flagged in the field, individually numbered, and accompanied by a correlating tree schedule. This allows proper assessment of trees that are on site, and provides a clear reference point when individual trees are being considered for removal/retention. The retention of large, structurally sound eucalypts and black sheoak at the subject site should be prioritised when considering trees for retention and removal for the establishment of an APZ.

Council does not support the clearing or disturbance of endangered ecological communities for the establishment of a bushfire asset protection zone. The LMCC Flora and Fauna Survey Guidelines Appendix 8.5 require a 20 m vegetated buffer to significant vegetation (such as EECs) from development impacts including asset protection zones. In this case, the asset needing protection is already built (as opposed to a new asset proposed for development) and relocating the asset is not possible. Provision of compensatory replanting and weeding within other areas of swamp oak floodplain forest EEC at the subject site should be implemented within a Vegetation Management Plan. The Statement of Commitments (Table 6.1) should be updated to reflect this.

Should you require further information, please contact the undersigned on 4921 0197 or by e-mail on dlovell@lakemac.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Lovell', with a stylized, looping flourish at the end.

David Lovell
Senior Development Planner
Development Assessment and Compliance