

MLG/M Greer
F2006/00250
F2009/01371

13 August 2015

Resource Assessments and Planning Services
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention : Hamish Aiken

Dear Mr Aiken

**Mannering Colliery- Section 75W Modification to MP06_0311 (MOD 3) Chain Valley
Colliery- Section 96 Modification to SSD-5465 (MOD 2)**

Thank you for the opportunity to provide comment on the proposed modifications to the Mannering Colliery and Chain Valley Colliery as referenced above. Council has reviewed the submitted information with the following comments provided for consideration in the assessment of the applications:

Ecology

Hollow bearing tree register detailing tree species, hollow size, orientation, type (e.g. branch, spout, base), retain or remove, would be useful in assessing impact.

Surveys for several of the cryptic threatened species should be undertaken in the next two months (August and September) by a suitably qualified and experienced ecologist. This should be undertaken prior to a determination being made on the application. Reference populations should be confirmed to be in flower prior to conducting surveys (contact Wyong Council for further information). Surveys should also target *Diuris praecox*. If a threatened species was confirmed to occur in the proposed asset protection zone (APZ), consideration must be given to providing a buffer around plants and maintaining corridors for pollinators rather than simply protecting individual plants from direct impacts.

There has been no mention of an additional offset to compensate for the additional direct and indirect impacts on Swamp Sclerophyll Forest EEC or threatened species habitat, as per the *NSW Biodiversity Offsets Policy for Major Projects* (OEH 2014).

The Biodiversity Management Plan (BMP) should include a protocol to protect animal welfare e.g. the engagement of a qualified and licenced ecologist to inspect fauna habitat immediately prior to clearing (including hollows), an ecologist to directly supervise clearing of hollow bearing trees etc.

Wyong Council encourages the recovery and reinstallation of natural hollows rather than use of artificial nest boxes due to higher occupancy rates of relocated natural hollows by native fauna. Hollow bearing trees that must be removed to establish the APZ should be sectionally

dismantled, hollows recovered and prepared for reinstallation (e.g. cap and attach strapping) within retained vegetation adjoining the site. If hollows cannot be salvaged then nest boxes should be installed at 1:1 [removed hollow: box installed].

Removal of vegetation within the APZ should also consider maintaining species diversity. The inclusion of Council's standard condition of consent should be considered as part of the modification approval.

The condition is:

If canopy thinning is required to achieve Bushfire Asset Protection Zone then it shall be conducted selectively. Those trees with poor health shall be removed prior to those of with good health. Selective removal shall also consider maintenance of species diversity. No hollow-bearing trees may be removed to achieve Bushfire Asset Protection Zones. An appropriately qualified Arborist or Ecologist and Bushfire Manager are to be engaged to flag and clearly identify those trees best removed to achieve bushfire asset protection requirements. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

The BMP should include hygiene protocol to minimise the risk of transfer of pathogens on or off the site. the inclusion of Council's standard condition of consent should be considered as part of the modification approval.

The condition is:

Vehicles and other equipment to be used on site must be completely free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. All vehicles and machinery must be inspected prior to site entry and those failing inspection should be sent away for cleaning. Appropriate records of inspections shall be maintained.

The BMP should include weed management along the newly created interface between the APZ and retained vegetation, in particular the EEC.

Transport

It is understood that no change to the road transportation is proposed and that increased extraction will be transported to Vales Point Power Station via the under and over ground conveyors. No additional road haulage than that anticipated under the conditions of consent.

It is noted that an increase in staff from 160 to 220 is proposed for the Chain Valley Colliery (CVC) though no mention of staff increase for Mannering Colliery (MC). Conditions of both approvals relate to the use of Ruttleys Road for either transporting coal or for use by employees arriving and leaving the mines with upgrading works required to the intersection of Ruttleys Road. Neither of the CVC or MC approvals specifically addressed staff parking, presumably accommodated within the existing staffing arrangements at each site.

However in respect to staffing numbers and external road works, the approval to Mannering Colliery included condition 21 noting,..."prior to the number of workers (direct employees and contractors) at Mannering Colliery exceeding 70, the Proponent shall upgrade the Ruttleys Road/Mannering Colliery access road intersection to a Type CHR treatment in accordance with Construction Certificate SCC/69/2011 issued by WSC, or later updated versions of this Construction Certificate; to the satisfaction of the Secretary."

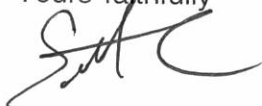
It is recommended that clarification is sought that the proposed modification does not include an increase of staff at the Mannering Colliery.

Bush Fire

The modification to Chain Valley Colliery introduces APZ's based on the October 2013 bush fire damage to part of the compound area. It is understood that the modification does not propose any additional built form infrastructure, merely seeks to increase the protection to the approved buildings. It is recommended that the applicant consult with NSW Rural Fire Service in respect to bush fire requirements.

Should you require any further information, please contact Mark Greer, Senior Development Planner on (02) 4350 5544

Yours faithfully

A handwritten signature in black ink, appearing to be 'SCC', written over the closing 'Yours faithfully'.

Scott Cox
Director, Development and Building