

Mr Colin Phillips
Senior Planner
Major Project Assessments
GPO Box 39
SYDNEY NSW 2001

Dear Mr Phillips

**Manning Colliery Modification 2 (MP06_0311)
Chain Valley Colliery Modification 1 (SSD-5465)**

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

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Manning Colliery – Modification 2 Environmental Assessment Section 75W Modification to MP06_0311 (EA)* and the *Chain Valley Colliery – Modification Statement of Environmental Effects Section 96 Modification to SSD-5465 (SEE)* dated April 2014 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal.

DRE notes that the EA and EES have identified general rehabilitation strategies and objectives. Both the EA and SEE adequately describe the potential impacts of the project, along with monitoring and mitigation measures to be implemented. Additional Trigger Action Response Planning will be required to be incorporated into Mining Operations Plans and Subsidence Management Plans.

In regard to subsidence, DRE notes that both the EA and the SEE state that "Maximum vertical subsidence from the roadway development will not exceed 20 mm" (Section 3.2.1 5.2 and Appendix C in the EA and SEE). However the site is characterised by the presence of:

- critical electrical transmission infrastructure that may potentially be highly sensitive to mine subsidence
- multi-seam workings that may interact with the proposed workings, which may contribute to the development of mine subsidence, and
- complex geotechnical conditions.

In view of the significance of the surface features and complex site conditions, DRE suggest that the proposed mining be independently reviewed by an expert(s) based on site specific conditions. The said expert(s) should have demonstrated expertise relevant to the proposal and site conditions.

DRE has reviewed the Development Consent Conditions for Chain Valley Colliery and has determined that no changes to the Condition 25, 26 and 27 and Schedule 4 (relating to rehabilitation) are required.

DRE has reviewed the Development Consent Conditions for Mannering Colliery and has determined that the Conditions relating to rehabilitation be modified to include the insertion of rehabilitation objectives.

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:

Subsidence

The proposed mining be independently reviewed by an expert(s) based on site specific conditions. The said expert(s) should have demonstrated expertise relevant to the proposal and site conditions.

In addition, DRE recommends that the following conditions be incorporated into the Development Consent modification for Mannering Colliery, if granted:

Rehabilitation Objectives and Commitments

The Proponent shall rehabilitate the site to the satisfaction of the Secretary of Department of Trade & Investment, Regional Infrastructure & Services.

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).
Surface Infrastructure	To be decommissioned and removed, unless the Secretary of Department of Trade & Investment, Regional Infrastructure & Services agrees otherwise.
Portals and ventilation shafts	To be decommissioned and made safe and stable.

Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: • local native plant species (unless the Secretary of Department of Trade & Investment, Regional Infrastructure & Services agrees otherwise); and • a landform consistent with the surrounding environment.
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: The owner agrees otherwise: The damage is fully restored, repaired or compensated under the Mine Subsidence Compensation Act 1961.
Community	Ensure public safety.

Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities in a manner that, as far 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 Trade & Investment, Regional Infrastructure & Services.

Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Secretary of Department of Trade & Investment, Regional Infrastructure & Services.
2. Rehabilitation Plan must:
 - a. be submitted and approved by the Secretary of Department of Trade & Investment, Regional Infrastructure & Services 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.

REHABILITATION

The proposed modification should result in no change to the existing Chain Valley and Mannering Mine operations and environmental management. DRE recommends approval with the inclusion of the conditional requirements for a Mining Operations Plan and an Annual Environmental Management Report to the satisfaction of the Secretary of the Department of Trade and Investment, Regional Infrastructure & Services.

The granting of any development consent modification should be subject to the following provisions:

- The proponent should amend the Mining Operation Plan, to include the proposed project, to the satisfaction of the DRE.
- The proponent should review the proposed activities in the Annual Environmental Management Report to the satisfaction of the DRE.
- Integrated rehabilitation and environmental management reporting is to be captured in the existing Mining Operation Plan and Annual Environmental Management Report to the satisfaction of the DRE's.
- The proponent should commence discussions with DRE on the requirements for the preparation and submission of a Mining Operations Plan and the Annual Environmental Management Report.

Should you have any enquires regarding this matter please contact me on (02) 4931 6437.

Yours sincerely



**ADRIAN DELANY
ACTING DIRECTOR
INDUSTRY COORDINATION**

25.7.14