

25 October 2012

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad,

Determination of the Mannering Coal Mine Modification (MP06_0311 MOD 1)

I refer to the Acting Deputy Director General's letter dated 5 October 2012 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation.

Mr Brian Gilligan and I constituted the Commission for the proposal. I chaired the Commission.

The Commission has carefully considered the Department's assessment report and recommendation as well as Council, agency and public submissions. The Commission also offered to meet with Wyong Shire Council and Lake Macquarie Council as a part of its consideration of the proposal. Both Councils declined the invitation to meet with the Commission as the Department's assessment report and recommended conditions generally address their key concerns.

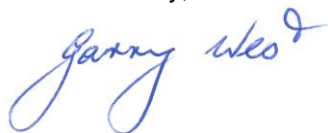
The Commission notes that subsidence was a key issue raised during the assessment process. The Commission is satisfied that subsidence has been adequately addressed by the amended proposal which removed mining operations from the Great Northern Seam. Further, the Commission notes that mining of the Fassifern Seam has been limited to First Workings only to limit potential subsidence impacts.

The Commission however, questioned the relevance of a note attached to Condition 4 of the approval, (relating to subsidence) which referred to a potential future proposal to mine coal within parts of the site using different mining methods. The Department advised that the note was not relevant to this particular application and could be deleted. Accordingly, the Commission has deleted the note.

The Commission also notes that a condition requiring the upgrade of Rutleys Road Intersection has been modified and strengthened to require the proponent to undertake the intersection upgrade works by the end of June 2013. The Commission supports the Department's recommendation, which will ensure the upgrade works are not further delayed.

The application is therefore approved subject to the recommended conditions, as modified. The signed instrument of approval and document are returned herewith.

Yours sincerely,



Mr Garry West
Planning Assessment Commission

cc. The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW
Level 33 Governor Macquarie Tower
1 Farrer Place
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