

21 June 2013

Seq No: 125/13

Mr David Kitto
Mining & Industry Projects
Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Sara Wilson

Dear Mr Kitto,

Moolarben Coal Operation 'Optimisation Modification 9' Submission

On 29 May 2013 Moolarben Coal Operations Pty Limited (MCO) commenced the public exhibition of the *Moolarben Coal Project - Stage 1 Optimisation Modification 9* (MOD 9). Ulan Coal Mines Limited (UCML) has conducted a review of the environmental assessment (EA) documentation supporting MOD 9, as exhibited on the MCO website. UCML's review has been completed in the context of the UCML Project Approval 08_0184 (PA 08_0184) and Environmental Protection Licence 394 (EPL 394) and has identified the following matters that require consideration by the Department of Planning and Infrastructure (DP&I) in their assessment of MOD 9.

Land Ownership and Mining Leases

Based on the figures provided in EA for MOD 9, UCML identify approximately 2.3ha of UCML owned land within the proposed MOD 9 extension area not subject to a mining lease. Until the extent of MOD 9 is confirmed, UCML objects to the modification application on the basis that the area subject to modification is not currently covered by a mining lease and UCML has not consented to any such mining lease being granted.

Noise

It is noted that a noise model validation has not been completed as a part of the MOD 9 EA noise assessment. UCML have received specialist noise advice that validation of the noise model would provide increased confidence in the EA's noise predictions, which if not suitably managed have the potential to have a cumulative impact that could potentially impact upon UCML's approved operations. It is requested that validation modelling be carried out to compare MOD9 noise model predictions (Predictor Model) with measured values and with predictions made provided in the Stage 2 Preferred Project (Global Acoustics 2012).

Air Quality

From review of the MOD9 air quality assessment, it is difficult to assess air quality impacts of the proposed modification in isolation, as the emission estimation and dispersion modelling includes both the approved Stage 1 and proposed Stage 2 operations. As such, the specific air quality contributions of MOD9 to approved MOC operations along with any associated potential cumulative impact are not certain.

UCML note in the MOD9 Air Quality Assessment a significant number of receptors to the west of MCO operations that were assessed in Ulan Continued Operations (EA) 2009 but not in the MOD 9 EA. The MCO contour plots, particularly 24-hour average PM10 concentrations from MOD9 indicate a potential for impacts at these receptors higher than predicted due to UCML's operations. UCML request additional consideration be given to properties west of MOC's operations to consider if the proposed modification has the potential to result in cumulative air quality impacts.

Water Management

UCML note MCO's proposed changes to its water management system, including installation of additional sediment dams and variations to increase discharge volumes. UCML currently operate several licensed discharge points in accordance with Environment Protection Licence 394 that require compliance to prescribed water quality and quantity criteria for discharges to the Goulburn River. Therefore any change to MCO's water management system must not impact upon UCML's ability to carry out licensed discharge in accordance with the requirements set under EPL 394.

Biodiversity Offsetting and Maintenance of Site Access

To compensate for clearing requirements MCO have proposed offset areas, indicated on MOD9, Figure 10.3 (i.e. 'Elward' and 'Properties 24/25'). These offsets have the potential to restrict routine access to UCML owned land. Bobadeen Road passes through the Elward property off the Ulan Road and is UCML's main access point to the northern parts of the Project Approval area providing 24 hour, all weather access. Bobadeen Road provides access to the Bobadeen Irrigation Scheme and other critical surface infrastructure such as dewatering and ventilation facilities for the complex.

Access through 'Properties 24/25' is required for regular inspections, maintenance and monitoring of the Moolarben Dam.

UCML requests acknowledgement of the importance of these access points for the purposes of safety and operational continuity, accordingly UCML require that no access restrictions occur as a result of these lands becoming offset areas.

Finally, it is noted that Figure ES.1 and Figure 1.1 of MOD9 do not depict the correct UCML Project Approval boundary, whilst Figure ES.3 and Figure 10.3 do not display all of UCML's Biodiversity Offset Areas.

Please contact Robyn Stoney on (02) 63725368 if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Clifford'.

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