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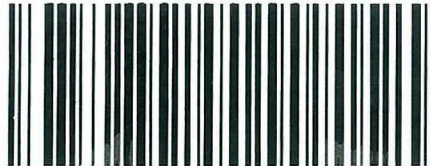
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The Director General
NSW Planning & Infrastructure
Mining and Industry Projects
GPO Box 39
SYDNEY NSW 2001

8 March 2012



Dear Mr Haddad

**MID-WESTERN REGIONAL COUNCIL RESPONSE TO – PREFERRED PROJECT
REPORT – MOOLARBEN COAL MINE STAGE 2 PROJECT (08 0135)**

I refer to the above Project application on public exhibition for comment from 31 January 2012 until 24 February 2012. Council thanks the Department for granting extension of time until 9 March 2012. Council strongly requests that we have a final input into the conditions as drafted by the Department before they are confirmed. This is vital to protect the Council and the community concerns.

Council in its submission to the original Environmental Assessment (EA) for Stage 2 raised a number of concerns and issues which mainly in related to Air quality, Noise & Blasting, Groundwater, Surface water and creek realignments, Water demand and supply, Ecology, Aboriginal & non-Aboriginal heritage, Transport, Visual amenity and landscape and Social & economic matters. The review of the documentation for the Preferred Project would seem to suggest that only those matters required to be re-assessed by the DP&I, and coincidentally also by Council have had further studies undertaken. In the main on these matters Council's concerns have generally been addressed. However, those matters that Council alone raised have generally not be re-assessed and therefore the original concerns remain.

Please find below the details of matters of concern:-

Air Quality :- Council previously raised a concern that the cumulative impacts of not only Stage 1 & 2 of the Moolarben Project but also of the impacts other mining activity in the area had not been adequately assessed in the original Stage 2 EA.

Council comment:- It is considered that the Air Quality Assessment contained in the PPR is comprehensive and of sufficient detail to allow for expert review and addresses Council's previous concerns. The above mentioned commitments in respect to implementing measures to reduce greenhouse gas emissions should be included in a revised Statement of Commitments, particularly in respect to the level of contribution to research into low emission coal technologies.

Noise & Blasting:- Council's original submission to the Stage 2 project was that the cumulative impacts of noise were not adequately addressed in the original Stage 2 EA. Further, a resolution of Council was to request that four (4) properties affected by night

time noise levels and any property within 30 metres of Ulan Road be provided with a commitment by Moolarben Coal to cover the cost of mitigation measures where possible and if necessary, acquire the properties. A further resolution of Council in respect to noise was for the NSW Department of Planning to review the noise assessment as Council considered the noise impacts will exceed the night time criteria for houses located at greater distances than the 30 metres from Ulan and Cope Roads.

Council comment: - Council raises again the issue that the *NSW Industrial Noise Policy* is inappropriate for rural areas. Rural Australia has very low levels of background noise which in farming / grazing areas can be as low as 10 dB(A) (even during the day) with a level of 30dB(A) being relatively noisy for residents who have grown accustomed to the peace and quiet of rural areas.

A review of the set criteria for mining activity is required to ensure that the actual background noise levels (pre mining activity) of rural areas in more accurately reflected. It is also considered that a review of the buffer areas for noise affectation in relatively quiet rural areas should be undertaken as noise has a greater impact in rural areas as it is audible for a greater distance due to low background noise levels. In addition noise monitoring should be truly independent and carried out without the prior knowledge of the mines with all up to date data (not just edited or audited report) being freely available to the public. This independent body should be allied to the DP&I or Office Environment & Heritage and would be the body to ensure that there is full compliance from all mining enterprises in respect to the public reporting of all current noise data.

As well as a review of the methodologies in respect to the modelling for noise affection it is considered that a 'Noise Monitoring Network' should be established for the regional area surrounding the coal mine cluster, with each of the mines contributing to the installation and maintenance of this Network. There should be a clear and transparent process by which residents in the vicinity of the coal mine may have noise issues addressed and recourse should Moolarben Coal fail to address noise complaints adequately. Such recourse needs to encapsulate an appeal process and recourse to acquisition should noise prove to be beyond those expected in the modelling.

In particular residents in the vicinity of Cooks Gap (including but not limited to Ridge Road, Winchester Crescent and Maiala Road) are to be included in the noise affectation criteria. In this regard Moolarben Coal is to enter into meaningful negotiations with those residents who are adversely impacted by noise to resolve the issues, including installation of double glazing and other appropriate noise attenuation measures. In the event that a satisfactory resolution cannot be achieved then the mine should be required as a condition of approval to acquire the affected properties in accordance with established Required Acquisition procedures. This process should be concluded within six (6) months of the first written and genuine complaint by individual property owners.

Groundwater: - Council's original submission in this regard was that the groundwater system is poorly understood and that the original Stage 2 EA did not adequately address this matter nor did it allow for sufficient off sets to protect sensitive and connected groundwater systems within the Goulburn River catchment. Council also had concerns that the project was based on unsustainable levels of extraction of groundwater and interference to aquifers and the water balance due to dewatering and onsite water use.

Council comment:- It is considered that the Groundwater assessment contained in the PPR is comprehensive and of sufficient detail to allow for expert review by Officers from the Office of Water and Hunter Central Rivers Catchment Management Authority. Council requests that these agencies must be consulted and their comments taken into account as part of the assessment and determination of the project.

Surface water & creek realignment:- the original submission in this regard was that 11 km of creek habitat within the Murragamba Creek (also a culturally significant landscape) and Eastern Creek, including two groundwater dependent ecosystems was not adequately addressed in the original Stage 2 EA. Council was also concerned that the unsustainable use of water for the project would interfere with the river system through dewatering, on-site water use and mine subsidence.

Council comment:- It is considered that the supplementary surface water investigation and preliminary creek realignment design contained in the PPR is comprehensive and of sufficient detail to allow for expert review by Officers from the Office of Water and Hunter Central Rivers Catchment Management Authority. Council requests that these agencies must be consulted and their comments taken into account as part of the assessment and determination of the project.

Ecology:- Council's original concerns were with the removal of 851 ha of remnant vegetation which included 157 ha of Critically Endangered Ecological Communities was unacceptable due to the extensive removal of habitat for threatened woodland birds including Regent and Painted Honeyeaters, Hooded Robin, Brown Treecreeper and Diamond Firetail. Further, Council requested that the Goulburn River Drip Gorge and the riparian area and adjacent escarpments be included into the Goulburn River National Park. This area has multiple values, (cultural both Aboriginal and non-Aboriginal, scenic, educational, tourism) and is national significance. It also supports a sensitive and connected groundwater system that is poorly understood.

Council comment:- Although a number of the offset areas are relatively remote from the project site, they are still contained within the Mid-Western Regional Council area. These properties are currently productive farms contributing to the rural output for Australia. The management of these properties in order to remain productive includes amongst many other matters the control of weed and pest species. It has been Council's experience that when such properties are taken out of active production not only is there a loss of the product (food or fibre) from that land but all too often the new management regime allows for the spread of weed and pest species that have significant adverse impacts on neighbouring properties.

Council acknowledges that one of the ways to mitigate the effects of mining impacts on native vegetation is for the mine to provide offset areas and that these need to be conserved in perpetuity. However the chosen offset properties would seem to be inappropriate and Council's questions their appropriateness, given that would not appear to represent 'like for like' in terms of the vegetation being impacted. Further, by either putting the properties into a formal 'Conservation Agreement' between the proponent and the Minister under the *National Parks & Wildlife Act 1974* or transferring the land to the National Estate as an extension to an existing National Park or Conservation Reserve converts the subject property to non-rateable land. Offsets, environmental or heritage management areas and specific buffer areas (for noise, dust and the like) are operational requirements and without them the mine would either have to close or significantly reduce its operation. Accordingly, the management of these offset/buffer areas, including the paying of rates, is a business cost that should be borne by the operator.

Now that these properties are required for mining purposes, Council considers that the appropriate categorisation for rating purposes is 'Mining' and therefore the rates payable in the 2011/12 financial year would be \$50,794.27 for Property 9 'Dun Dun', to \$11,204.62 for Property 17 (Windeyer) and to \$44,071.49 for property 18 (Ulan), giving a total of \$106,070.38 per annum. The rate increase for the 2012/13 financial year has now been determined by I Part at 3.5%. This amount thus needs to be increased by that amount (i.e. 3.5% of \$106,070 = \$3,712) which increases the rate loss to say \$110,000.

Offsets are required to be protected in perpetuity and if they become non-rateable then the amount of money Council stands to lose is substantial. If the 'Mining' rate is applied for the life of the mine – in this case 24 years, The approximate amount (not taking into account CPI or any other index increases over the 24 year period) would be in the order of \$2,545,680.00 which is to viewed against a predicted value of the output coal (based on \$60 per tonne) of \$315 million in year one gradually increasing to \$683 million in year 24 (Section 5.14 (Social & Economic) of the original Stage 2 EA).

The local community is already shouldering a considerable cost from mining activity in the region ranging from pressures on social services and infrastructure, including housing, medical services, community facilities to negative impacts on the local road network. It is considered inappropriate that the community should be expected to also subsidise the mines to cover the rates for these required offset parcels of land that should be seen as business operation expenses.

Council considers that amended provisions should be developed to ensure that conserving offsets in perpetuity for business purposes does not alter the rateable classification of the subject land so that Council continues to be able to levy rates for the whole of the business operation.

Should any land become non-rateable as part of the operation of the mine, including offsets for environmental or heritage requirements, then Moolarben Coal should be required to make an annual payment to Council to compensate for the amount that the rates would have been, as adjusted annual by any rate increases endorsed by Council. Council considers that reasonable compensation would start at \$110,000 and be adjusted by the annual rate increase and this is in addition to contributions for roadworks and community purposes and is to help with loss of rate income and weed and pest control on adjoining and adjacent properties. Any further offset required should also be treated in the same manner in terms of the proponent replacing Councils lost income.

The additional information in respect to native vegetation and the natural environment has only concentrated on developing an alternate Offsets strategy. The significance of the natural feature known as 'The Drip' has been ignored almost entirely in the documentation submitted with the Preferred Project application. Council raises again that the riparian and escarpment area making up the Goulburn River Drip Gorge is of national significance, for is cultural, scientific, scenic, educational, tourism values (the area also contains a Brett Whitely rock wall painting) and should be included within the Goulburn River National Park

Subsidence:- The submission to the original Stage 2 EA included the Council resolution that the NSW Department of Planning undertake an independent assessment of the potential impacts of mine subsidence on the Goulburn River and features such as the Drip and ensure the protection of these significant natural features.

Council comment:- This is a technical report that will need to be reviewed by experts from Office of Resources and Energy, however, it would appear that Council previous concerns have been addressed and that ongoing monitoring and proposed mitigation measures will ensure that no significant landscape features are adversely impacted by subsidence.

Aboriginal heritage:- Council's previous submission considered that the level of impact to Aboriginal sites, with the removal of five (5) sites of high significance and 16 of medium and the disturbance of an additional two (2) sites of high significance and seven (7) sites of medium significance was unacceptable. Further Underground 2 mine (incorporating Long wall 10, 11, 12A & B and 13 scheduled for mining from years 10 to 13) surrounds a 100 m cliff line site, of significance to Aboriginal people containing good

examples of artwork, the suggested buffer of 55 metres to protect this area from subsidence is not adequate.

Council comment:- It is considered that the required Aboriginal Archaeology and Cultural Heritage Management Plan that will be guided by specific policies, procedures and the requirements of the Office of Environment & Heritage and will adequately manage and protect the significance of Aboriginal heritage and archaeological sites within the Preferred Project Boundary.

Non-Aboriginal heritage:- Council had no particular concerns with the original assessment of non-Aboriginal heritage as contained in the documentation for Stage 2 EA for the original project

Council comment:- Council should be given the opportunity to comment on the Heritage Management Plan and any specific measures contained within the report, particularly in respect to those items nominated for removal.

Transport:- Council's submission to the original Stage 2 EA included a request to the Department of Planning to seek clarification of the road usage for Stage 2 and a determination as to whether this is additional to Stage 1, including advice on the mix of traffic. Council also requested the road upgrade contributions (in addition to that already proposed) of \$200,000 for the intersection of Ulan Road and the Wollar Road and \$150,000 for the intersection of the Ulan Road and Mud Hut Creek Road.

Council comment:- Council considers that the adverse impacts on the local road network from traffic generated by mining activity has not been adequately addressed for the Moolarben Stage 2 Preferred Project. Further, on 16 December 2011 Council received the Ulan Road Strategy as prepared by Arrb Group on behalf of Ulan, Wilpinjong and Moolarben Coal Mines. Council does not agree with the principle findings and recommendations of the report and has concerns with the lack of consultation by the mines in the preparation of this report.

Condition 50 of the project approval for Ulan Continued Operations Project issued on 15 November 2010 required that Ulan Coal, in association with Moolarben and Wilpinjong Coal, prepare a strategy for the upgrade and maintenance of Ulan Road between Mudgee and the entrance to the underground surface facilities at the Ulan Mine for the next 21 years. Council's response to the Strategy is critical under Condition 51 of the Ulan approval.

Council's concerns are that the Strategy fails to recognise the fundamental fact, that the need to upgrade the road is driven by the coal mines and if the coal mines didn't exist, the road would be completely adequate with a normal upgrade programme. It is only because the mines exist and consequently the traffic they generate, that the road (Ulan Road) requires a significant and costly upgrade to meet Austroads standards. This can also be said for other roads that service the mining cluster (in particular Cope Road and Ulan-Wollar Road) with traffic volumes and subsequent adverse impact being experienced due to the expansion of mining activity.

The lack of acceptance of the basic premise that mining activity does significantly increase traffic volumes and therefore there is adverse impact on existing roads from mining activity has resulted in a further erroneous outcome in the report in that it recommends a cost shifting to the ratepayers to fund the upgrades. The Strategy's position is that the cost to the coal mines for the upgrade should be around 27% of the cost even though the road would not need to be upgraded if the coal mine generated traffic did not exist. This general premise that the Mines should only fund to a minimal level is the view that has been adopted for Moolarben Stage 2 Preferred Project in respect to contributions to road improvements.

In dollar terms the Strategy suggests an upgrade cost to the Ulan Road of \$17,218,750 and a whole of life (21 years) maintenance cost of a further \$12,732,823. Council considers these figures to be unrealistic and not a true reflection of the real cost of either upgrading or long term maintenance of the road. Council management and senior roads engineers in conjunction with Roads and Maritime Services – RMS (previously RTA) assessed capital upgrade costs of \$37,963,175 and an annual maintenance cost of \$1,562,500. These estimates are considered more realistic and the significant share of the costs should be borne by those organisations that create the costs, in this case the mines clustered at Ulan.

However Council acknowledges that an error has occurred in the response to the Ulan Road Strategy. The coal production from Moolarben should have read 13mtpa not 23 mtpa. Therefore the split of the capital and maintenance costs should be as follows:-

The coal production from the three effected coal mines should read as follows in the strategy:-

Ulan – Continued Operations approved –	20 mtpa	44.0%
Moolarben –	13mtpa	28.5%
Wilpinjong approval for 12 mtpa application for	12.5 mtpa	27.5%
Total proposed approvals	45.5 mtpa	100.0%

Therefore the split of the capital works should read

Ulan	44.0% of \$37,963,175= \$16,703,797	= \$3,340,759pa for 5 years
Moolarben	28.5% of \$37,963,175= \$10,819,505	= \$2,163,901 pa for 5 years
Wilpinjong	27.5% of \$37,963,175= \$10,439,873	= \$2,087,975 pa for 5 years
	= \$37,963,175	= \$7,592,635 pa for 5 years

And the split of the ongoing maintenance should read as follows

Ulan	44.0% of \$1,093,750	= \$481,250+ annual CCI increase
Moolarben	28.5% of \$1,093,750	= \$311,719 + annual CCI increase
Wilpinjong	27.5% of \$1,093,750	= <u>\$300,781</u> + annual CCI increase
Total		\$1,093,750

Council considers that there are considerable short-falls between the monetary contributions offered by not only Moolarben Coal Mine but also the other two mines in respect to improvements to local road infrastructure. It is considered that Moolarben Coal should contribute a total of \$10,819,505 being \$2,163,901 per annum over 5 years for capital works to upgrade Ulan Road and \$311,719 per annum plus CPI increases for maintenance of the road – this is considered to be an appropriate proportional contribution taking into account the other two mines.

Further, with Stage 1 of the Moolarben Coal project a section of Ulan –Wollar road was re-aligned to allow for the development of surface facilities. This road was constructed by a private contractor on behalf of Moolarben Mine. This new road was inspected by Council's senior engineers as part of the process of transferring the road to Council

ownership and it was deemed that the road was sub-standard and not acceptable and that rehabilitation works would need to be carried out, at no cost to Council before the road could be transferred to the public network. It took Council some 12 months negotiation with Moolarben to finally get the road to the appropriate standard. A further two sections of the Ulan-Wollar Road (total length of approximately 2.8 km) are proposed to be realigned as part of the Stage 2 Preferred Project and Council requests that to avoid the above situation arising again that the road works be undertaken by Council at an estimated cost of \$2.75 million with the total cost of construction being the sole responsibility of Moolarben Coal Mine.

Visual amenity and landscape:- Council's submission to the original Stage 2 EA included a resolution from Council that the NSW Department of Planning require additional mitigation measures to ensure that the air quality limits, noise and visual impacts are within acceptable community standards. Council considered that it may be necessary for the standards and limits to be more restrictive for Stage 2 than Stage 1 having regard to the proximity of rural lifestyle settlements.

Council comment:- Council considers that this matter has been adequately addressed given the Project Approval for Moolarben Stage 1 and the proximity of Ulan Coal.

Social and Economic:- Council's submission to the original Stage 2 EA included a resolution from Council that considered that the EA did not adequately consider the specific impact on Mudgee and Gulgong in terms of housing affordability, the provision of health services and loss of skilled workers. Council further resolved that these matters should be addressed within the Statement of Commitments.

Council comment:- Council acknowledges that mining brings positive impacts to the area in terms of jobs and direct monetary contributions from the mines, however there are also negative impacts that should have been addressed in greater detail with a view to recommending options for mitigation. The negative impacts to the social / economic sphere are generally indirect but are no less important because of this and in particular relate to greater demands for services, including services that are already stretched such as health and availability to affordable housing. The EA considered these impacts against the whole of the Local Government Area and not specifically for Mudgee / Gulgong and it is considered that these impacts may be greater and need further analysis, especially in terms of cumulative impacts.

OTHER MATTERS

Statement of Commitments:- Council requests that the following additional commitments should be included into a revised 'Statement of Commitments'

That Moolarben Coal Mine specifically address impacts on Mudgee and Gulgong in terms of housing affordability, the provision of health services and loss of skilled workers and clearly outline and detail in the Statement of Commitments any mitigation or other measures in response to issues raised.

That Moolarben Coal Mine commits to cover the costs of mitigation measures for the four (4) properties affected by night time noise levels and any property within 30 metres of Ulan Road and if necessary acquire the affected property.

That Moolarben Coal Mine detail clearly and specify its commitments of the range of measures that will be implemented to minimise greenhouse gases, the monetary level to which it will contribute to research into low emission coal technologies, the specific measures proposed to be implemented to improved energy use and how it will ensure that preventative maintenance is undertaken on plant and equipment.

Voluntary Planning Agreement:-

In July 2011 Council agreed to a Voluntary Planning Agreement (VPA) with Moolarben Coal for Stage 2 prior to the determination of the application with the Department of Planning. The draft agreement was for the payment \$1,365,000 as one lump sum payment to be paid to Council within 30 days of Stage 2 approval. The contribution under this agreement is for community infrastructure capital projects and public purposes and is on exhibition until the 13 February 2012.

The negotiation of \$1.365 million for the VPA for Stage 2 took place some three (3) years ago and is now outdated and totally inadequate. Council seeks as a Condition of Approval that the current VPA for Community purposes in Mid-Western Region be required to be extended to \$2.5 million. Further, Council considers that this is a matter that is not negotiable and that the DP&I should require this and other monetary contributions as Conditions of Approval.

Further, Council considers that this is a matter that is not negotiable and that the DP&I should require this and other monetary contributions as Conditions of Approval. Council's experience of the VPA process is that it has left Council at a considerable financial disadvantage on too many occasions. There has already been some cost shifting across the rate base, with the community having to pick up the tab for the costs of upgrading facilities and infrastructure that have been required as a direct result of the increased pressures and demands generated by the mining cluster at Ulan. This is socially unjust in that the average rate payer should not have to subsidise large corporations who should be required to cover all the costs of operation, including impacts on local infrastructure and this matter needs to be addressed as part of the conditions of approval determined by the State.

The above mentioned agreement excludes contributions towards capital projects to upgrade the road network, in particular Ulan Road but also Cope Road and does not include contributions for ongoing maintenance of local road infrastructure.

It is considered that in addition to the above agreement Moolarben Coal should contribute a total of \$10,819,505 being \$2,163,901 per annum over 5 years for capital works to upgrade Ulan Road and \$311,719 per annum plus CPI increases for maintenance of this road – this is considered to be an appropriate proportional contribution taking into account the other two mines. To date the VPA negotiation process has been arduous and often leaves Council at a financial disadvantage. Council considers that monetary contributions should form part of the conditions of approval and not as a VPA and that the amounts calculated should adequately and fairly compensated Council for adverse impacts caused to local infrastructure and community facilities.

A further two sections of the Ulan-Wollar Road (total length of approximately 2.8 km) are proposed to be realigned as part of the Stage 2 Preferred Project. The estimated cost of construction is likely to be in the order of \$2.75 million with this cost being the full responsibility of Moolarben Coal. In addition any legal, survey or development cost associated with the realignment and the transfer of the new roads to Council's ownership are to be at the full cost of Moolarben Coal.

Requested Conditions of Approval:-

1. That that the current Voluntary Planning Agreement for Stage 2 between Moolarben Coal Mine and Mid-Western Regional Council for Community purposes be required to be extended to \$2.5 million and that this is not a matter for negotiation.

2. That Moolarben Coal make a monetary contribution of \$2,163,901 per annum for a period of five (5) years, commencing at date of issue of this Approval, for the capital upgrade of Ulan Road and \$311,719 per annum (plus CPI) for the ongoing maintenance of Ulan Road for the life of the mine.
3. That Council be appointed the contractor to carry out the road construction works for the two additional sections of Ulan-Wollar Road (total length of approximately 2.8 km) that need to be realigned as part of the Stage 2 Preferred Project. Moolarben Coal to make the payment to the Council within 30 days of this approval to cover the cost of this road realignment work.
4. That the process of conserving Offsets in perpetuity is to be carried out in such a manner that the land does not become non-rateable and that Council can in perpetuity levy appropriate rates on the land.

Should any land become non-rateable as part of the operation of the mine, including Offsets for environmental or heritage requirements, then Moolarben Coal should be required to make an annual payment to Council to compensate for the amount that the rates would have been, as adjusted annual by any rate increases endorsed by Council. Council states that the rate compensation for the 2012/13 financial year would be \$110,000 and be adjusted by annual rate increase as determined by Council.

5. That the riparian and escarpment area making up the Goulburn River Drip Gorge be transferred to and be included in the Goulburn River National Park as this area is of national significance, for is cultural, scientific, scenic, educational, tourism values.
6. That additional mitigation measures are required to ensure that the air quality and noise impacts are within acceptable community standards with these limits likely to be more restrictive for Stage 2 than Stage 1 having regard to the proximity of rural lifestyle settlements.

That Moolarben Coal are to enter into meaningful negotiations with residents, in the vicinity of the mine, including the Cooks Gap area, who are adversely impacted by noise to install appropriate noise attenuation measures to resolve any issues and should matters remain unresolved then Moolarben Coal is to acquire the affected properties in accordance with established acquisition procedures. This process should be concluded within six (6) months of the first written and genuine complaint by individual property owners.

Additional requests:-

The documentation submitted in support of mining and significant infrastructure projects is usually of a technical and detailed nature and can be of considerable volume. The reviewing of such documents not only requires time but also from Council's point of, consultation with experts in the fields outside of Council's expertise. The existing consultation period is frequently 21 or 28 days and this is considered insufficient time for Council to be able to undertake an appropriate review of the documentation, taking into account the requirements to report the matter to a Council meeting. Council requests that the Director General and Minister for Planning provide an extended time period for Council for all future mining and significant infrastructure applications for a minimum of eight (8) weeks.

That the NSW DP&I review the noise assessment as Council considers the noise impacts will exceed the night time criteria for houses located at greater distances than the 30 metres from Ulan and Cope Roads.

A review of the *NSW Industrial Noise Policy* and the set criteria for Mining activity be undertaken to ensure that the actual background noise levels (pre mining activity) of rural areas is more accurately reflected. It is also considered that a review of the buffer areas for noise affectation in relatively quiet rural areas should be undertaken as noise has a greater impact in rural areas as it is audible for a greater distance due to low background noise levels. In addition noise monitoring should be truly independent and carried out without the prior knowledge of the mines with all up to date data (not just edited or audited report) being freely available to the public. This independent body should be allied to the DP&I or Office Environment & Heritage and would be the body to ensure that there is full compliance from all mining enterprises in respect to the public reporting of all current noise data.

As well as a review of the methodologies in respect to the modelling for noise affection it is considered that a 'Noise Monitoring Network' should be established for the regional area surrounding the coal mine cluster, with each of the mines contributing to the installation and maintenance of this Network. There should be a clear and transparent process by which residents in the vicinity of the coal mine may have noise issues addressed and recourse should Moolarben Coal fail to address noise complaints adequately. Such recourse needs to encapsulate an appeal process and recourse to acquisition should noise prove to be beyond those expected in the modelling.

In terms of the Ground water assessment Council considers that expert Officers from the Office of Water and Hunter Central Rivers Catchment Management Authority must be consulted and their comments taken into account as part of the assessment and determination of the project.

In terms of the supplementary surface water investigation, water balance assessment and preliminary creek realignment design Council considers that expert Officers from the Office of Water and Hunter Central Rivers Catchment Management Authority must be consulted and their comments taken into account as part of the assessment and determination of the project.

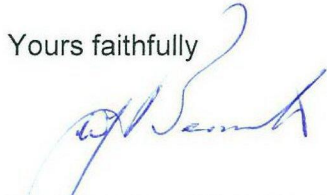
That Council considers that amended provisions should be developed to ensure that conserving Offsets in perpetuity for business purposes does not alter the rateable classification of the subject land and ensures that Council continues to be able to levy rates for the whole of the business operation.

That an Officer from the Office of Environment & Heritage be placed on a permanent basis in proximity to the Ulan 'mine cluster'. This would allow continuous monitoring of the range of mining activities and rapid response to any breaches that may occur and provide higher levels of community confidence that mines would be meeting conditions of approval and greater public accessibility.

Council should be given the opportunity to comment on the Heritage Management Plan, particularly in relation to non-Aboriginal heritage and any specific measures contained within the report, particularly in respect to those items nominated for removal.

Should you have any queries in relation to this matter please contact Warwick Bennett on 6378 2850. Council also requests that we have a final input into the conditions once drafted. It is important to this Council and the community that a final input occurs to ensure that the community beliefs are protected.

Yours faithfully



WARWICK L BENNETT
GENERAL MANAGER