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Craig Flemming
02 6549 3775

7 October 2011

**Howard Reed
Mining Team
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001**

Dear Mr Reed,

Drayton Coal Mine (MP 06-0202 Mod 2) Section 75W Modification

Following the letter dated 2 September, Council submits its final comments of the Drayton Coal Mine (MP 06-0202 Mod 2) Section 75W Modification proposal.

Council supports the Application if, as a condition of the variation, the following conditions are added to the consolidated approval.

1. The Proponent must (in relation to Thomas Mitchell Drive) pay Council's reasonable costs of obtaining an appropriately qualified person to conduct a route and upgrade assessment to determine the incremental impact on Thomas Mitchell Drive.
2. The traffic study shall determine the appropriate contribution that Drayton Coal should contribute to the reconstruction of Thomas Mitchell Drive.
3. The corresponding contributions are to be made to Muswellbrook Shire Council.
4. The Proponent shall prepare an updated consolidating rehabilitation plan that will have due consideration of the Muswellbrook Shire Council Mining Rehabilitation Policy, and that shall integrate with the rehabilitation of surrounding projects. The revised rehabilitation plan shall be completed within 6 months from the date of gaining approval.

Yours faithfully



**Russell Esdaile
Acting General Manager**

(TM)

Muswellbrook Shire Council ABN 86 864 180 944

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