



RESPONSE STATEMENT TO THE MT ARTHUR COAL OPEN CUT MODIFICATION LANDSCAPE & VISUAL IMPACT ASSESSMENT REPORT

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FOR
DARLEY

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EXECUTIVE SUMMARY

This statement has been prepared for Darley in response to the proposed Mt Arthur Open Cut Coal Modification (the Modification), an extension to the existing open cut coal mine located around the base of Mt Arthur, near Muswellbrook in NSW. An Environmental Assessment Statement has been prepared for the proponent, Hunter Valley Energy Coal (HVEC), a wholly owned subsidiary of BHP Billiton. This response statement provides a review of the Landscape and Visual Impact Assessment (L&VIA) report prepared for the Environmental Assessment by URBIS (2013).

Mt Arthur is a regional landmark in the Hunter Valley around the Muswellbrook and Denman areas. The Hunter River, in this area, is of particularly high scenic value due to the rare combination of rich alluvial river floodplains surrounded by undulating hills and ridges which are set against a backdrop of magnificent forested ranges which form part of an extensive system of National Parks and Wilderness Areas. Darley's Woodlands thoroughbred breeding stud is located within this magnificent landscape setting on the Hunter River, 16 kilometres east of Denman.

The historic Woodlands property which was established in 1824 has a long history associated with thoroughbred breeding and racing. Darley purchased Woodlands in 2008, due primarily to the presence of rich alluvial soils, ample water, clean unpolluted air and an undulating topography combined with the highly scenic setting of the river valley with a magnificent backdrop of the forested ranges. The presentation of the Darley stud at Woodlands is commensurate with its standing as one of the premier thoroughbred breeders in the world.

Areas of the Woodlands property and its main approach road, the Golden Highway, are visually exposed to the Mt Arthur Open Cut Coal Mine. The proposed Modification by HVEC would be potentially visible from a number of viewpoints within the property and on the Highway however the L&VIA does not assess these potential visual impacts, as it only assesses one viewpoint which is located on the Golden Highway near the base of the Saddlers Creek valley, just east of the Woodlands entrance gates.

A range of deficiencies have been identified in the review of the L&VIA which are described in the body of this statement. The central deficiency of the L&VIA is its reliance on the earlier Visual Impact Assessment report prepared for the 2009 Consolidation Project. The assessment of Viewpoint 6 identified in the 2009 VIA, is unacceptable as it is one of the lowest points on the Golden Highway in this area and has very restricted views of Mt Arthur. More elevated views are available just 1.5km east of this viewpoint on the Highway and an even more elevated viewpoint is located nearby on Woodlands. Neither of these substantially more elevated views were assessed in the L&VIA.

A more detailed summary of these deficiencies are listed in the adjoining table:

1. More detailed illustrations of the proposed modifications including 3D models and cross sections, should have been prepared to provide the public and adjoining landowners with a better understanding of the form, magnitude and staging of the proposed Modifications.
2. Figures 4 & 5 need to be checked against the correct open cut mine footprint to confirm that they are accurately depicting the area of open cut east of Mt Arthur and if they are not correct, the figures must be corrected and the visual impact assessment needs to be reassessed to take this new footprint into account.
3. Photomontages from the elevated viewpoints on the Golden Highway and from the Trig Hill Lookout within the Woodlands property, should have been prepared, as a minimum to demonstrate the potential visual impacts of the project on landowners in the surrounding area as well as this key vantage point in the public domain.
4. The visual impact assessment should have assessed these higher Highway and Woodlands viewpoints, for both day and night time impacts.
5. Thoroughbred breeding studs like Darley Woodlands should have been rated as highly sensitive to visual impacts from open cut mines.
6. The text in Section 4.4 on page 24 relating to tourist's "fascination" with open cut coal mines, should be revised to provide a more balanced viewpoint.
7. The mitigation measures should have detailed how HVEC proposes to create rehabilitated landforms which blend with the surrounding landforms to reduce the artificial appearance of the overburden emplacement areas.
8. HVEC should prepare a long term mining plan for the Mt Arthur mine which gives the public and private landowners more certainty about the potential growth of the mine in the future and the potential impacts that this growth may have on both the public domain and private property.

I. INTRODUCTION

This statement has been prepared for Darley in response to the proposed Mt Arthur Open Cut Coal Modification (the Modification), an extension to the existing open cut coal mine located around the base of Mt Arthur, which is just south of Muswellbrook and north east of Darley's property Woodlands in the Hunter River Valley (refer to Figure 1). An Environmental Assessment Statement has been prepared for the proponent, Hunter Valley Energy Coal (HVEC), a wholly owned subsidiary of BHP Billiton.

This statement provides a review of the Landscape and Visual Impact Assessment (L&VIA) report prepared for the Environmental Assessment by URBIS (January 2013). This response has been prepared based on a review of the L&VIA report, site visits and discussions with Darley staff in order to gain a thorough understanding of the existing landscape character and the range of land uses which occur across and adjacent to the Woodlands property.

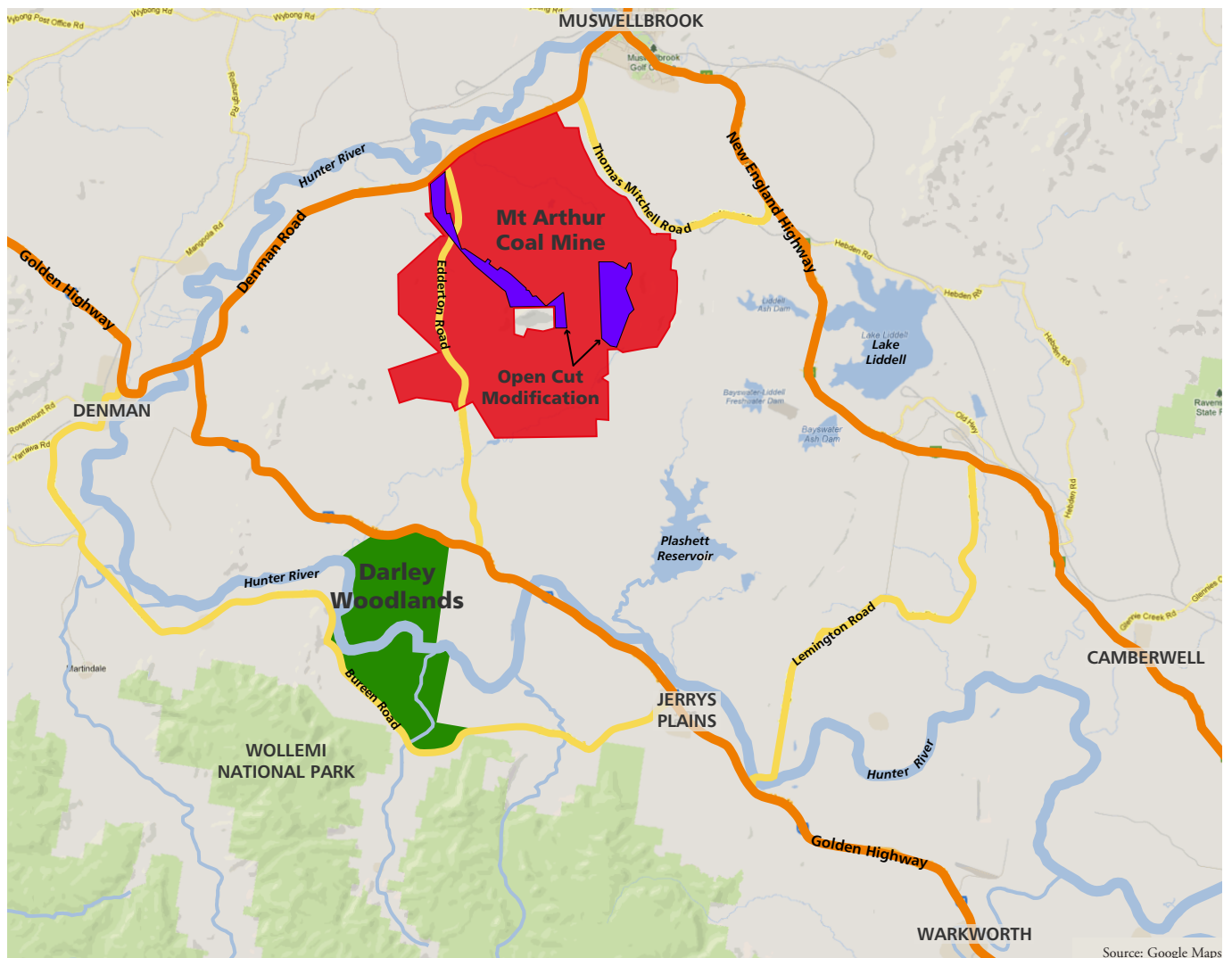


Figure 1 - Location Plan

2. EXISTING LANDSCAPE SETTING

This section provides a brief description of the important aspects of the landscape setting in which the Mt Arthur Coal Mine and Darley's Woodlands stud are geographically located.

HUNTER RIVER VALLEY - HIGHLY SCENIC LANDSCAPE

Whilst the land on which the mine modification is proposed to be located, consists primarily of open cut coal mining activities, it also incorporates the regional landmark of Mt Arthur which is also surrounded by moderately undulating foothills of cleared, open grazing paddocks, with limited tree cover. The valley is defined by two forested mountain ranges; to the north the Barrington Tops National Park and to the south by the Wollemi National Park. Between these barrier ranges the Hunter River meanders through areas of alluvial floodplain and undulating hills and ridges, with the forested mountain ranges forming prominent and attractive backdrops to the valley. Located near the centre of the valley, Mt Arthur forms a prominent landmark due to its height and distinctive peak shaped landform. This distinctive peak is visible from many areas within this part of the valley, including numerous roads such as the Golden Highway, and is therefore an important feature of the area.

The high quality of the scenic landscape to the south of the proposed mine site, in particular around the Darley Woodlands property, needs to be attributed with the highest levels of sensitivity when considering the visual impacts of the mine activities in the valley.



The Hunter River on the Woodlands property.



View of Woodlands looking south towards the forested ranges of the Wollemi National Park

WOODLANDS - A LONG HISTORY OF THOROUGHBRED BREEDING

The history of Woodlands dates back to 1824 when the first parcels of land grants were made to the early settlers of the area. The homestead block became the property of James Arndell who named it “Woodlands”. The homestead is thought to have been built around 1833. Adjoining land holdings which would eventually become part of the Woodlands property, were owned by people with interests in the thoroughbred racing industry. This thoroughbred connection was to grow when Woodlands was purchased in the 1860s by the White family of Belltrees who bred and raced their own horses, the best of these being “Paris” who twice won the Caulfield Cup in 1892 and 1894, as well as the AJC Metropolitan in 1893.

Woodlands continued its strong relationship with thoroughbred breeding and racing throughout the remainder of the 19th and 20th Centuries. In 2008, Darley purchased Woodlands from the highly successful thoroughbred industry identities, Jack and Bob Ingham. During their tenure on the property, the Inghams substantially expanded the thoroughbred breeding operation on Woodlands, increasing the land area from 1,700 acres to 6,500 acres and increasing the workforce from 15 to 60 staff. Since 2008, Darley has further expanded and improved the thoroughbred breeding operations on Woodlands to become the foundation facility in their breeding and racing enterprises in both NSW and Victoria.



The historic homestead of “Woodlands” dates back to 1833.



View of the Woodlands homestead complex from the Darley Lookout above the Hunter River

DARLEY WOODLANDS - HIGHLY DEVELOPED CULTURAL LANDSCAPE

The visual quality of the landscape both in and around thoroughbred breeding studs is of paramount importance to the business model of this industry. Not only is the presence of highly productive land with good soils and ample water of fundamental importance to these studs, but the physical appearance of the property and the surrounding landscape is also a critical issue in the siting and ongoing operation of these businesses.

This preoccupation with presentation is clearly evident in all of the major studs around the world, whether in Ireland, USA or Australia. Presentation is a central element of each stud's marketing strategy.

The presentation of the Darley stud is commensurate with its standing as one of the premier thoroughbred breeders in the world. The selection of the site on the Hunter River is the result of careful research to identify a location with all of the attributes necessary to ensure the establishment of a successful and enduring thoroughbred breeding business. The presence of alluvial soils, ample water, clean unpolluted air and an undulating topography combines with a highly scenic setting of the river valley with a magnificent backdrop of the forested ranges of the Wollemi National Park, the largest wilderness area in NSW which forms part of the Greater Blue Mountains World Heritage Area.

The Darley property presents a highly developed landscape with manicured grounds, even rows of planted trees, well designed building complexes and irrigated paddocks surrounded by consistent and well maintained timber fences. A network of sealed and gravel internal access roads provides access to all areas of the property. The combination of these landscape features set against the rugged mountain range to the south creates a highly scenic and visually pleasing setting.



Mares in one of Woodlands' well maintained paddocks.



Darley presents a highly cultivated and well maintained appearance across the whole property.



High quality infrastructure is a hallmark of the visual presentation of Darley.

A thoroughbred breeding stud such as Woodlands represents a cultural landscape that has everything in its place. It is the idyllic cultural landscape where all of the elements appear in perfect order and there is a balance between the natural and cultural environments which creates a strong sense of stability and permanence to the landscape. An open cut mining landscape is the antithesis of the thoroughbred breeding landscape. From a visual perspective, an open cut mine is chaos and disorder where all of the elements of the natural landscape are turned upside down, dismembered and dumped in enormous piles to be later reassembled into an artificial landscape that invariably contrasts with any adjoining landscapes which have not been mined.

The presence of other compatible industries surrounding the thoroughbred breeding stud, such as well managed rural properties that maintain this pastoral landscape, are also important to the scenic values of these properties. This idyllic visual landscape is central to the presentation and operation of the Darley business. Darley is therefore a highly sensitive visual environment, particularly in the context of an open cut mine.



A network of well maintained sealed and gravel roads provide access to all the areas of the farm for Darley's clients and staff.



A typical view of the idyllic cultural landscape setting which optimises the presentation of Woodlands



The scale of the disturbance caused by an open cut coal mine is evident in this photograph of the Drayton Coal Mine near the proposed Mt Arthur Coal Open Cut Modification site.

THE GOLDEN HIGHWAY - MAIN ACCESS AND TOURIST ROAD

The Golden Highway is the main highway connecting Dubbo in the Central West of NSW to Newcastle and the Pacific and New England Highways. It is the primary route for clients, visitors and staff travelling to and from Darley. It is an important tourist route and therefore most motorists will be visually sensitive to changes in this highly scenic landscape which contrasts considerably with the less scenic landscape around Warkworth to the south, for example, where open cut mining operations are clearly visible.

The Warkworth area is characterised by undulating hills and ridges with areas of woodland interspersed with grazing land. This area has a number of existing large open cut coal mines located close to and on both sides of the Golden Highway. By contrast, the area west of Jerrys Plains is characterised by the scenic Hunter River valley comprising a floodplain of irrigated paddocks with undulating hills and ridges of grazing land with scattered trees on both sides of the river. The Mt Arthur open cut coal mine is visible from the Highway although not as prominent as the mines around Warkworth, due to the distance to the current mine activity areas.



The Golden Highway forms Woodland's primary connection to Darley's other Hunter Valley property, Kelvinside, near Scone, where their annual Stallion Parade attracts large crowds.



The landscape surrounding the Golden Highway in the vicinity of Woodlands is highly scenic, offering an attractive visual experience for tourists and locals alike.

3. RESPONSE TO THE LANDSCAPE AND VISUAL IMPACT ASSESSMENT REPORT

The following section has been prepared following a review of the L&VIA report for the Modification and a site visit to Darley Woodlands and viewpoints along the Golden Highway. This response has been prepared based on the Director-General's Requirements issued by the NSW Department of Planning and Infrastructure on 30 April 2012, which are set out below:

RESPONSE TO DIRECTOR GENERAL'S REQUIREMENTS

1a. A detailed assessment of the changing landforms on the site during the various stages of the project.

A description of the proposed modifications to the open cut operations at Mt Arthur are provided in Chapter 2 Modification Description – Visual Character, however they are not sufficiently detailed for the reader to interpret the scale, form, extent and staging of the proposed modification works.

An aerial photograph of the Mt Arthur mine area is provided on page 11 indicating in a hatched overlay, the areas where the proposed modification works are to occur. While the aerial image is useful for an indication of the current area of disturbance (at the time that the aerial photograph was taken) and the general context of the area, the scale of the image and the myriad of colours make it difficult to fully interpret the extent and scale of the works.

A plan showing the mine in topographic relief such as Figure 2 on page 4 of the report, illustrating in a more graphic form the appearance and stages of development over time and the varying forms of the different types of works proposed in the modification, would have been a useful adjunct to the aerial image on page 11, as the yellow hatching does not provide sufficient information for the reader to interpret what is proposed.

While the description provides details about the height and length of the proposed works, there is no further information to indicate the relationship between these heights and lengths to the adjoining areas. Three dimensional models and cross sections cut through the existing landform and the proposed works in a number of key locations, would have provided the reader with graphic images which would make it much easier to comprehend the scale of these works in the existing setting.

Figure 4 on page 19 and Figure 5 on page 23 depict viewpoint locations and the predicted visual catchment of the existing mine and the proposed Modification, respectively, however there appears to be an inconsistency between these two figures and the previous figure (Figure 3 on page 11). The purple area indicated as Proposed Open Cut Extension in Figure 4 and 5 to the immediate east of Mt Arthur, is represented with a smaller footprint than the same area in Figure 3. This could be an issue if the open cut area is larger than depicted on the two figures (4 & 5) as it could increase the amount of exposure and therefore visual impact of the Modification on areas south and east of Mt Arthur. This apparent inconsistency needs to be addressed and if Figures 4 & 5 are incorrect, then the visual impact assessment needs to be reworked to reflect this change.

DIRECTOR GENERAL'S REQUIREMENTS

Visual - including:

1. A detailed assessment of the:
 - a. Changing landforms on the site during the various stages of the project, and
 - b. Potential visual impacts of the project on private landowners in the surrounding area as well as key vantage points in the public domain, including lighting impacts; and
2. A detailed description of the measures that would be implemented to minimise the visual impacts of the proposal.

1b. Potential visual impacts of the project on private landowners in the surrounding area as well as key vantage points in the public domain, including lighting impacts.

The description of the potential visual impacts of the proposed modifications are presented in Chapter 4. These rely entirely on the identified visually sensitive viewpoints from the VIA report prepared in 2009 for the Consolidation Project which is a major shortcoming of the current assessment report.

The reuse of 2009 viewpoints compounds the failings of that study to identify the more prominent viewpoints from both the public domain as well as private land. Only one viewpoint is identified in the Southern Sector and it is located adjacent to the lowest point on the Golden Highway in this area, at Saddlers Creek. The logic for choosing this view is difficult to comprehend when there are several other viewpoints on the Golden Highway within 1.5 kilometres which are located on significantly more prominent locations from which the Mt Arthur mine is clearly visible.

The sole viewpoint in the Southern Sector, Viewpoint 6 - Golden Highway and Saddlers Creek, is in a depressed location around 100m AHD and around 100m below the relative level of the proposed Modification to the mine (refer to photograph below). This depressed or inferior viewpoint automatically reduces the degree of exposure of the Mt Arthur mine area to the viewer, due to the potential of even a relatively low intervening landforms, to easily obscure the mining activity.

The more elevated sections of the Golden Highway, to the east of Viewpoint 6, are elevated up to 80m higher than the assessed viewpoint and offer a clear view towards the Mt Arthur mine. There is approximately 500m of the Highway which offers clear views to the north towards Mt Arthur and potentially the Modification works (refer to Figure 3 and photographs on page 11).



The view of Mt Arthur from the approximate location of Viewpoint 6 as defined by the L&VIA.

It is difficult to imagine that these more elevated viewpoints on the Highway could have been overlooked and the location certainly deserves to be tested with a series of photomontages. A viewpoint on this section of the Highway should have been assessed in the L&VIA to provide a more accurate representation of the likely visual impacts of the Modifications on the motorists travelling on this highway.

In addition to these highway viewpoints, in the public domain, there are a number of potential viewpoints from elevated areas within the Darley Woodlands property which also offer clear views towards Mt Arthur (refer to Figure 2).

The Statement of Commitments from the 2009 EA cited in this report confirms Mt Arthur Coal's commitment to "minimise views from the Woodlands Property within the Primary View Zone to active overburden faces on the out of pit emplacement areas of the Project to ensure the extent of any primary view is less than 2.5% as described in Appendix 1 of the EA Report.

Based on this preliminary review of the L&VIA, it is apparent that this commitment has not been properly considered as the report makes no mention of potential views from within the Woodlands property, such as from the Trig Hill Lookout (refer to Figure 3). The Trig Hill Lookout is approximately 140m higher than the L&VIA's Viewpoint 6 and offers expansive views over the Mt Arthur landscape. Other viewpoints within Woodlands will also be potentially exposed to the Modifications such as Bowmans Hill, the Manager's residence and the Darley Lookout.

This oversight needs to be addressed in the L&VIA including a reassessment of the potential viewpoints within the property and the resetting of the visual sensitivity of the property to the highest sensitivity rating.

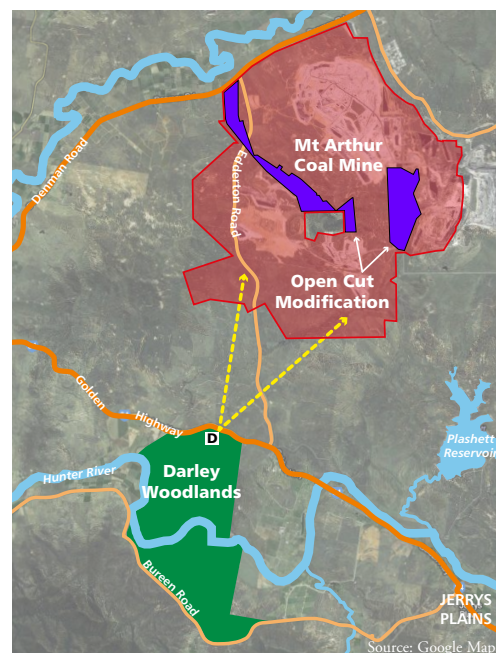


Figure 2 - Plan illustrating the proximity of Darley Woodlands to the Mt Arthur Coal Open Cut Modification.

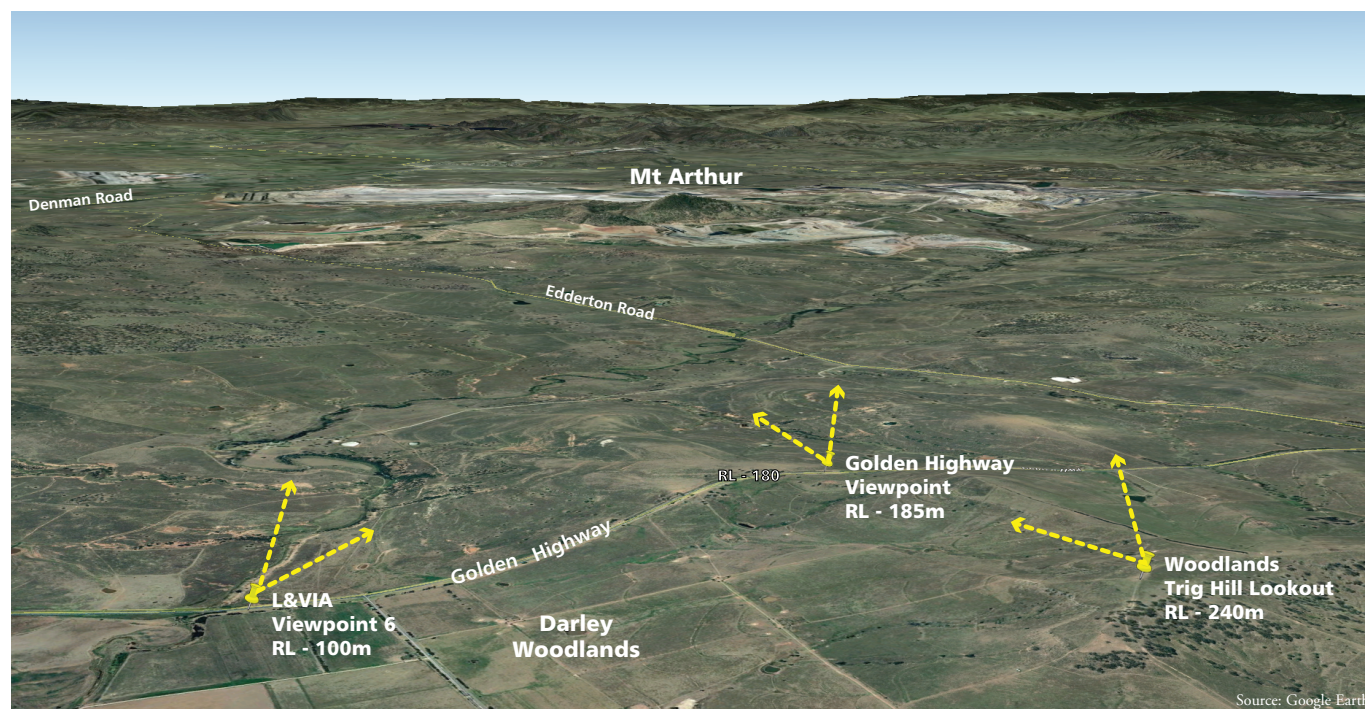


Figure 3 - Perspective showing the relative location of Viewpoint 6 with the Golden Highway and Woodlands Trig Hill Lookout viewpoints.

The assessment of Agricultural Visual Sensitivity, in section 1.1.3 Visual Sensitivity, as being low is completely incorrect for thoroughbred breeding studs. Thoroughbred breeding studs rely on a very high standard of landscape visual quality both within the property and in the surrounding areas. The high scenic quality of the adjoining landscape is a key factor in the selection of this location for a thoroughbred breeding stud.

A reassessment of the range of sensitive locations within the Southern Sector would have highlighted the importance of the visual setting to the Woodlands property and the fact that the property has been substantially enhanced with considerable investment by Darley, since the 2009 VIA was prepared. Additionally, Darley Woodlands employs over 70 people, the majority of whom reside on site with their partners and children.

It is also important to emphasise that visual impact is not ultimately determined by single location viewpoints but a cumulative experience as the viewer travels through the landscape. Single viewpoints are representative but not reflective of the cumulative affect on people in the landscape. No mention of this is made in the L&VIA report.



The view north from the Golden Highway looking towards Mt Arthur and the adjoining open cut mine activities, which are visible on the right hand side of Mt Arthur.



The view north from the Woodlands Trig Hill Lookout towards Mt Arthur and the adjoining open cut mine activities, which are visible on the right hand side of Mt Arthur.

The report acknowledges that the Hunter Valley region is a tourist attraction. A key reason for this tourist activity is because of the physical beauty of the valley landscape surrounded by prominent mountain ranges which form part of Wilderness Areas and National Parks. The cultural landscapes within the valley, including the intensive agricultural activities such as thoroughbred breeding studs and vineyards, provide the visual character that makes the journey through the Hunter Valley more attractive and intriguing.

To suggest that tourists may have a “fascination” with the open cut mining operations in the valley (Section 4.4 on page 24) is a remarkably optimistic statement for the L&VIA to make. One might also, with equal certainty, speculate that many of these tourists may react with disappointment and even horror at the degradation created by these gigantic mines which dwarf all other land uses, throughout so many parts of the Hunter Valley. Open cut coal mines are the largest and most visually destructive land use in the Hunter Valley and as a consequence they are unlikely to attract tourists to the valley and indeed are more likely to discourage tourism in those areas.

Over 1.5 kilometres of Edderton Road is proposed to be realigned at its northern end where it connects to Denman Road and yet the L&VIA does not assess the visual impacts of this proposed realignment. Edderton Road is a key access road for clients, workers and visitors to Woodlands and connects it to Darley’s Kelvinside property, at Aberdeen, as well as other breeding operations, towns and other related facilities such as the Veterinary Hospital at Scone.



Darley clients, visitors and staff, in addition to tourists and other travellers on the Golden Highway, will continue to be exposed to the visual impact of large trucks carrying mining machinery, travelling and temporarily obstructing the highway.



This photo of a mine operation near Muswellbrook illustrates the degree of visual contrast that an overburden dump can have in a rural landscape setting.



Typical mining equipment used in open cut mining including a dragline, two haulpaks and a water truck. Note the size of the road registered vehicles parked just to the left of the dragline.

2. A detailed description of the measures that would be implemented to minimize the visual impacts of the proposal.

The section covering mitigation measures in the L&VIA (Chapter 6 on page 39) is limited to only one page and describes only 3 elements of mitigation measures; Progressive Rehabilitation, Foreground Vegetation Screening and Night-Lighting. These 3 elements are not described in detail, as required by the DGRs.

There is no mention of the need to create rehabilitated landforms which blend with the surrounding landforms to reduce the artificial appearance of the overburden emplacement areas. The photomontages in the L&VIA provide ample illustration of the negative visual outcomes that will result if these new landforms are not shaped to blend with the surrounding landscape. It is anticipated that an international mining company the size of BHP should adopt the highest standards and most innovative approach to the design of the finished landforms of their overburden areas, commensurate at least, with world's best practice.

There is also no mention of the preparation of detailed rehabilitation plans to clearly indicate the areas and the form of the proposed vegetation planting. The form and timing of these plans are important issues for stakeholders in the community to understand the commitment that HVEC have towards rehabilitation.

There is no mention of the locations for the proposed foreground vegetation screening nor the timing for these plantings. Consultation with the stakeholders on this issue is vitally important for the protection of the visual amenity of the area.

Past experience demonstrates that boundary tree planting once established may screen mining activities for only a few years, as long as it is well maintained, including watering and replacement of failed specimens. However as the trees grow, their crowns lift exposing the trunks and therefore allow views through to the mine operations behind. An example of this already exists on the Golden Highway near the Edderton Road intersection where the boundary of the proposed Drayton South Coal Mine has been planted to screen the proposed open cut mine operation (Refer to adjoining photographs).

The proposed screen planting along the mining area boundaries is only effective if the planting area is wide enough and a mix of trees and shrubs of a range of sizes are used. As shrubs are relatively shortlived, replanting may be necessary over the life of the mine to maintain an effective screen.

There is no mention of the need for HVEC to conduct ongoing consultation with the stakeholders surrounding the site in order to address any visual impact concerns raised by these stakeholders during the life of the mine.



A parallel view of vegetative screening near the corner of the Golden Highway and Edderton Road, where four rows of different species of trees have been planted.



A perpendicular view of the same vegetative screening (as above) near the corner of the Golden Highway and Edderton Road, illustrating the high degree of visibility of the landforms beyond the screen planting.

5. CONCLUSION

A range of deficiencies have been identified in the review of the L&VIA which are described in the body of this statement. The central deficiency of the L&VIA is its reliance on the earlier Visual Impact Assessment report prepared for the 2009 Consolidation Project. The assessment of Viewpoint 6 identified in the 2009 VIA, is unacceptable as it is one of the lowest points on the Golden Highway in this area and has very restricted views of Mt Arthur. More elevated views are available just 1.5km east of this viewpoint on the Highway and an even more elevated viewpoint is located nearby on Woodlands. Neither of these substantially more elevated views were assessed in the L&VIA.

The following statements outline in more detail the deficiencies which need to be addressed, based on the results of this review.

1. More detailed illustrations of the proposed modifications including 3D models and cross sections, should have been prepared to provide the public and adjoining landowners with a better understanding of the form, magnitude and staging of the proposed Modifications.
2. Figures 4 & 5 need to be checked against the correct open cut mine footprint to confirm that they are accurately depicting the area of open cut east of Mt Arthur and if they are not correct, the figures must be corrected and the visual impact assessment needs to be reassessed to take this new footprint into account.
3. Photomontages from the elevated viewpoints on the Golden Highway and from the Trig Hill Lookout within the Woodlands property, should have been prepared, as a minimum to demonstrate the potential visual impacts of the project on landowners in the surrounding area as well as this key vantage point in the public domain.
4. The visual impact assessment should have assessed these higher Highway and Woodlands viewpoints, for both day and night time impacts.
5. Thoroughbred breeding studs like Darley Woodlands should have been rated as highly sensitive to visual impacts from open cut mines.
6. The text in Section 4.4 on page 24 relating to tourist's "fascination" with open cut coal mines, should be revised to provide a more balanced viewpoint.
7. The mitigation measures should have detailed how HVEC proposes to create rehabilitated landforms which blend with the surrounding landforms to reduce the artificial appearance of the overburden emplacement areas.
8. HVEC should prepare a long term mining plan for the Mt Arthur mine which gives the public and private landowners more certainty about the potential growth of the mine in the future and the potential impacts that this growth may have on both the public domain and private property.

The broader issue at stake for many landowners in areas that are subject to these kinds of applications for modifications to existing mining approvals, is the potential for incremental growth of the open cut mining operation through a series of submissions of modifications over an extended period of time.

Each modification on its own, may not represent a significant threat to either the public domain or private properties, however cumulatively these modifications could potentially represent a significant threat to both the public domain and the private landowners depending on the proposed scale of the operations as a whole.

It is a reasonable expectation that both the public and the private landowners should be provided with some degree of certainty about the future extent of mining operations based around existing mines.

This Modification may not have a high visual impact on the Woodlands stud, however future modifications may see the visual impacts encroaching further south towards Woodlands. This potential incremental creep of the open cut operations towards Woodlands would progressively increase the visual impact on the property and therefore damage its reputation and therefore the future of the business.

It is unacceptable from Darley's perspective, for HVEC to continue to apply for modification after modification over the coming years, as this would give a false assessment of the cumulative visual impacts which would result from the entire coal mining operation at Mt Arthur.

It is therefore essential that HVEC clearly define the ultimate extent of this open cut coal mine in the form of a definitive mine plan which defines the future extent of mining activity for the total lease area and forecasts all future modifications in order to provide certainty for Darley now and into the future.

