



RESPONSE TO SUBMISSIONS

Section 75W Modification Application

Felix Resources Ltd

Moolarben Coal Project Stage 1

(05_0117 MOD 5)

August 2009

CR 6015_6_v2.

1. INTRODUCTION

On 12 June 2009, Moolarben Coal Mines Pty Limited (MCM) lodged an application to modify its existing project approval (05_0117) for Stage 1 of the Moolarben Coal Project, under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The changes proposed in this application (05_0117 MOD 5) are:

- Surface infrastructure and layout changes, comprising:
 - Relocation of the open cut ROM coal facilities (i.e., dump hopper, primary crusher, rejects bin and associated coal conveying facilities) from the approved location on the western edge of OC1 to a preferred location, south of the main infrastructure area.
 - Relocation of OC1 support infrastructure (i.e., office, workshop and associated support facilities) from the approved location on the western edge of OC1 approximately 500 m to the northeast.
 - Construction and operation of a water sharing pipeline from Ulan Coal Mine's East Pit to the Stage 1 infrastructure area.
 - Construction of a fence line along the mine lease boundary.
 - Construction of an additional 200 ML water storage dam within the footprint of OC1.
- Increasing construction hours from daylight hours (7:00 a.m. to 6:00 p.m.), 7 days a week, to 24 hours, 7 days a week.
- Amending Condition 7 of Schedule 3 of the Stage 1 approval so that increased construction noise criteria applies to construction of the noise bund and not to the first six months of construction.
- Allowing use of temporary ROM coal crushing and raw coal and rejects conveying facilities, where construction of the open cut ROM coal facilities in the proposed preferred location is not completed prior to commissioning of the mine.
- Making minor adjustments to the Stage 1 Project Boundary.

An environmental assessment (EA) for the modification application was publicly exhibited by the Department of Planning (DoP) from the 3 to 17 August 2009. The DoP received twenty two submissions in response to the exhibited EA. The DoP has requested that MCM respond to the issues raised in these submissions.

This report has been compiled to provide a response to the issues raised in these submissions.

2. RESPONSE TO SUBMISSIONS

| Issue | Response | Submission |
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| Water | | |
| <p>Water sharing arrangements between the mines have not been conducted in a transparent manner.</p> <p>Water sharing arrangements need to include a share of good quality water for environmental base flow replacement to the Goulburn River.</p> <p>Maintaining adequate environmental flows seems impossible given the unpredictable nature of rainfall events and salinity of groundwater.</p> <p>In the past the Goulburn River flows have been contaminated and Ulan coal mine cannot be trusted to ensure a good quality supply to the river.</p> | <p>The terms and conditions for water sharing between MCM and the Ulan coal mine are a matter of commercial agreement between the two mines. The process under which these terms and conditions were negotiated is outside the scope of the environmental assessment for the modification.</p> <p>Water sharing will enable surplus water to be used efficiently between the mines, which will reduce cumulative mining impacts on local and regional water sources.</p> <p>The modification does not propose any changes to mining activities that could result in the loss of baseflow to the Goulburn River. Under the Stage 1 Approval MCM is required to offset the loss of baseflow to the Goulburn River caused by the mine. Any discharge to the Goulburn River must comply with the water quality and volume limits set in the environmental protection licence for the mine.</p> <p>Moolarben Coal Mines is not responsible for past or future impacts at the Ulan coal mine that impact on the quality and supply of water to the Goulburn River.</p> | <p>Hulme, Munro, Phillips, Smiles, White, Wales, Cooper, Howe, MDEG, JCCC</p> |
| <p>The water extraction from the proposed borefield is unsustainable and will have long-term impacts on the groundwater systems in this sensitive, high-conservation riverine area.</p> <p>The proposed borefield is still being assessed and as such is not licensed nor approved and therefore any additional pipeline installed to service this proposed borefield should not be permitted.</p> <p>The establishment of a water sharing agreement between the MCP and Ulan coal mine should negate the necessity for a production borefield in the greenfields area.</p> | <p>The impacts of Stage 1 on groundwater were assessed in the Stage 1 EA (Wells, 2006), which has been approved.</p> <p>The modification does not propose any changes to the approved Stage 1 borefield.</p> <p>The sharing of water between the mines will reduce the requirement for MCM to extract groundwater from the borefield for water supply purposes.</p> | <p>Goulburn River Stone Cottages</p> |

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| <p>There should be no discharge into the Goulburn River. Contaminated and saline discharges encourage weed growth and spread of disease amongst native riparian species.</p> | <p>The Stage 1 Approval requires MCM to ensure that any surface water discharge complies with:</p> <ul style="list-style-type: none"> • ANZECC (2000) water quality objectives for the protection of aquatic ecosystems and the quality of existing receiving waters. • Discharge limits (both volume and quality) set in the environmental protection licence for the project. <p>The modification does not seek to change either of these requirements.</p> | <p>Albury</p> |
| <p>Creeks and natural flows to the Goulburn River have all but dried up. The same cannot be allowed to occur with more approvals.</p> | <p>The modification does not propose any changes that will impact on the natural flows to the Goulburn River. The sharing of water between the mines will reduce cumulative mining impacts on local and regional water sources.</p> | <p>Albury</p> |
| <p>We cannot afford any more cracked rivers.</p> | <p>The modification does not propose any activity that could result in the cracking of the bed of any river.</p> | <p>Atkinson</p> |
| <p>The water pipeline crossing of Ulan–Cassilis Road could compromise the capacity of the existing road culvert. A hydraulic report on the performance of the culvert including the water pipeline needs to be provided to Council.</p> <p>Any damage to the culverts caused by the installation of the pipeline must be repaired by MCM at no cost to Council.</p> | <p>The capacity and function of the Ulan–Cassilis Road culvert on Bora Creek were assessed in the Stage 1 EA (Wells, 2006). This included modelling of culvert performance for 5, 20 and 100 year recurrence events assuming 50% obstructed flow conditions. Notwithstanding, MCM will provide Council with an updated hydraulic report on the performance of the culvert with the water sharing pipeline included.</p> <p>Moolarben Coal Mines will repair any damage caused to the culvert from installation of the water pipeline, at no cost to Council.</p> | <p>MWRC</p> |
| <p>Ecology (Flora and Fauna)</p> | | |
| <p>The commitments in relation to protection of Threatened Species could be improved by inclusion of the following:</p> <p style="padding-left: 40px;"><i>During the removal of any mature tree, all works will be undertaken under the supervision of an appropriately qualified person to manage the recovery of any native fauna that may be displaced as a result. A plan of management for the handling and care of any displaced fauna will be prepared prior to the commencement of clearing activities.</i></p> | <p>Moolarben Coal Mines will adopt this recommendation.</p> <p>All works will be undertaken under the supervision of the Environmental Manager.</p> | <p>DECC</p> |

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| <p>The Ulan–Wollar area is a significant regional vegetation corridor on the lowest point of the Great Dividing Range linking the east with western NSW. The cumulative loss of remnant and endangered ecological community (EEC) vegetation from the MCP, the Wilpinjong Coal Project and Transgrid's Wollar to Wellington Power line is unacceptable. The clearing proposed represents a net loss of biodiversity outcomes and does not meet the government's 'maintain or improve' requirements for threatened biodiversity.</p> <p>MCP's proposal of 2:1 offset measures dependent on the reconstruction of ecological communities conflicts with many of the principles for biodiversity offsets as described in 'DECC's Principles for the use of biodiversity offsets in NSW' (2008).</p> | <p>The impacts of Stage 1 on vegetation and biodiversity were assessed in the Stage 1 EA (Wells, 2006), which has been approved.</p> <p>Moolarben Coal Mines will offset the impacts of vegetation clearing for the modification by enhancing existing remnant vegetation, revegetating degraded areas of remnant vegetation and rehabilitating existing (i.e. pre-mine) cleared areas (EA Sections 5 and 6). These enhancement, revegetation and rehabilitation works will increase the quantity of native vegetation in the local area and will result in a long-term improvement outcome for threatened biodiversity. The small amount (i.e., 6.23 ha) of vegetation clearing required for the modification will not adversely affect regional east-west vegetation corridors.</p> <p>Moolarben Coal Mines is not responsible for offsetting the loss of remnant and EEC vegetation caused by other mining or development projects in the area.</p> | <p>Goulburn River Stone Cottages</p> |
| <p>The offsets suggested by MCP would take at least 50 years before reaching a level of maturity and biodiversity value equitable to the vegetation being removed. Post mining management actions and long-term conservation security is not specified nor the many risks and threats involved in achieving these outcomes.</p> <p>Reconstruction of ecological communities as an offset measure conflicts with many of the principles for biodiversity offsets as described in 'DECC's Principles for the use of biodiversity offsets in NSW' (2008).</p> | <p>Moolarben Coal Mines acknowledges that re-establishing ecological function and biodiversity values on existing cleared areas requires a long-term management, monitoring and conservation commitment. The success of rehabilitation and enhancement efforts to re-establish ecological function and biodiversity values and to offset the impacts of Stage 1 including the modification will be measured against completion criteria approved by the government.</p> <p>Moolarben Coal Mines is currently preparing a detailed Landscape Management Plan for Stage 1, which includes the measures it will undertake to monitor, manage and secure in the long-term all of the rehabilitation and offset areas for Stage 1. This plan is being prepared in consultation with government and once approved by the Director-General of Planning will be implemented to guide the long-term management, monitoring and conservation of all rehabilitation and offset areas for Stage 1, including the modification.</p> <p>The implementation of Stage 1 rehabilitation and offset management measures, including those for the modification, will improve the quantum and quality of biodiversity in the local area in the long-term. It will also improve wildlife corridors. These rehabilitation and offset management measures meet the government's objective for improving biodiversity value in the long-term.</p> | <p>Goulburn River Stone Cottages</p> |

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| <p>The vegetation offsets approved for MCM are totally inadequate and cannot be considered as offsets for ongoing removal of EEC.</p> | <p>Moolarben Coal Mines has proposed a raft of measures to offset the vegetation clearing of the modification. These measures include offsetting the loss of an estimated 1.45 ha of EEC at a ratio of at least 2:1, which is the approved offset ratio for Stage 1.</p> | <p>MDEG, JCCC</p> |
| <p>The proposal to undertake revegetation activities on a neighbouring privately-owned property is unethical and is strongly objected to by the land owner.</p> | <p>As a new long-term business in the Ulan area, MCM is committed to working with its neighbours and the local community to achieve beneficial environmental and social outcomes.</p> <p>As a priority, MCM will manage all its land holdings to enhance the ecological function and biodiversity value of the area in the long-term. It also supports the efforts of local land owners to make environmental improvements on their properties. As a neighbourly action, where it can, MCM will assist its neighbours achieve environmental outcomes on their lands.</p> <p>Moolarben Coal Mines' commitment to rehabilitate, revegetate and enhance at least 15 ha of EEC will be on land within its current land holdings. Hence, its offer to assist with rehabilitation and enhancement of EEC on property 25 is not part of MCM's proposed offsets for clearing undertaken for the modification.</p> | <p>Tuck-Lee & Symons</p> |
| <p>This modification is an attempt to obtain retrospective approval for illegal clearing of EEC Grassy Box Woodland, and other threatened habitat.</p> <p>This demonstrates a lack of commitment and guarantee that environmental plans will be judiciously implemented.</p> <p>Any form of mining will impact, damage and destroy these threatened habitats forever.</p> <p>Illegal clearing should be heavily penalised. If it is retrospectively approved it means that all conditions imposed when approval is granted can be flouted at any time.</p> | <p>The mine lease boundary fence was constructed in accordance with the Mining Lease under the <i>Mining Act 1992</i>. Notwithstanding, MCM is required to amend its project approval to include the mine lease boundary fence.</p> <p>Moolarben Coal Mines has proposed a raft of measures to offset the impact of all clearing proposed in the modification, including the fence line (EA Sections 5 and 6). These offset measures will improve local biodiversity values in the long-term.</p> | <p>Goulburn River Stone Cottages, Howe, Hulme, Phillips, Smiles, White, Wales, Atkinson, Cooper, JCCC, MDEG</p> |

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| <p>Revegetation practices for Stage 1 of the MCP have been inadequate or absent all together. Stage 2 of the MCP must therefore not be approved. You can never rehabilitate to the original condition.</p> | <p>Construction of the mine commenced in January 2009. Revegetation of the site will be carried out on a progressive basis during the life of the mine. Rehabilitation of the site will be in accordance with rehabilitation plans and objectives developed in consultation with and approved by government.</p> <p>The modification is for Stage 1. Stage 2 is currently being assessed by government. Moolarben Coal Mines expects that a decision on Stage 2 will be made based on the merits of the proposal.</p> | <p>Albury, JCCC</p> |
| <p>Clearing for, and the erection of, a boundary fence was done so without approval and without regard to the impact of these actions on nearby landholders.</p> | <p>The fence was constructed in accordance with the Mining Lease under the <i>Mining Act 1992</i>.</p> <p>Notwithstanding, the DoP is reviewing MCM's construction activities, including clearing, separate to its assessment of the modification application.</p> | <p>Tuck-Lee & Symons</p> |
| <p>Moolarben Coal Mine proposes to move Xstrata's access track to an "existing cleared paddock". This "paddock" is actually a natural wetland and is within inches of our boundary fence. We do not want vehicles driving along our backyard or through the naturally sensitive area.</p> | <p>The access track to Moolarben Dam is located to the east of Moolarben Creek on land owned by the Ulan coal mine. The Ulan coal mine is the owner of the Moolarben Dam.</p> <p>Where alternative access arrangements to Moolarben Dam are required as a result of MCM fencing the mine lease boundary, then this will be resolved between MCM and the Ulan coal mine. Any approval required for construction of an alternative access track will be the responsibility of the Ulan coal mine.</p> | <p>Tuck-Lee & Symons</p> |
| <p>Noise and Dust</p> | | |

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| <p>Moolarben Coal Mines previously assured the community consultative committee (CCC) that 24-hour 7 days/week construction would not occur.</p> <p>Noise produced by 24-hour mine construction activities will travel great distances because the area is rural and there is no other background noise.</p> <p>The NSW Construction Noise Guidelines recommended hours are Monday to Friday 7.00 a.m. to 6.00 p.m., Saturday 8.00 a.m. to 1.00 p.m., with no work on Sundays or public holidays. The proposal to conduct infrastructure construction for 24 hours/day over 7 days/week is setting a precedent for the growing industry in the region.</p> <p>The community should not suffer from additional noise because MCM have fallen behind schedule. There has been no wet weather to create delays.</p> | <p>Delays to the envisaged construction schedule for Stage 1 occurred as a result of third party objections to the Project Approval and mining lease for Stage 1 (EA Section 3). These delays were beyond the control of MCM.</p> <p>The nearest privately-owned residence is located over 4.5 km from the location of proposed night time construction activities. This is nearly twice as far as the distance between this residence and the Ulan coal mine's coal handling and rail loading facilities, which are approved to operate 24 hours a day.</p> <p>Night time construction activities will be limited in size, extent, intensity and location (EA Section 3). Night time construction activities will also preclude impulsive noise generating activities. In addition, MCM will implement management and mitigation measures to ensure that night time construction noise levels are maintained below approved operational night time noise assessment criteria for Stage 1 (EA Section 5).</p> <p>Approval of night time construction activities for Stage 1 will not set a precedent for other developments in the area. Under the NSW planning and approval process each development is assessed on its individual merits.</p> | <p>Goulburn River Stone Cottages, Hulme, Munro, Smiles, Tuck-Lee & Symons, Swords, MDEG, Albury</p> |
| <p>The Goulburn River Stone Cottages business is already suffering increased noise impacts from the current construction activities. There is insufficient information or detail provided to assess the full sound impact of 24 hour construction on the property. There is no noise monitoring in the vicinity of the Goulburn River Stone Cottages property.</p> | <p>Night time construction activities will be carried out over 4 km from the closest property boundary of the Goulburn River Stone Cottages. This is the same distance between night time construction activities and Ulan village. Spectrum Acoustics assessed that night time construction activities will be less than 30 dB(A) in Ulan village (EA Section 5). This is at least 5 dB below approved operational night time noise assessment criteria for Stage 1.</p> <p>Attended noise monitoring will be extended to include monitoring of night time construction noise levels in the vicinity of the Goulburn River Stone Cottages.</p> | <p>Goulburn River Stone Cottages</p> |
| <p>Who controls excessive noise levels during the construction phase?</p> | <p>Moolarben Coal Mines has implemented an approved noise management plan for the construction phase of Stage 1. This includes monitoring, management and mitigation measures to prevent excessive noise levels during the construction phase.</p> | <p>Swords</p> |

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| Noise and dust impacts on the community will greatly increase if 24-hour construction activities are approved. | Night time construction activities will be limited in size, extent, intensity and location (EA Section 3). Night time construction activities will also preclude impulsive noise and dust generating activities. Night time construction activities will not greatly increase noise and dust impacts on the community (EA Section 5). | Hulme, Munro, White, Atkinson, JCCC |
| As the nearest privately-owned residence we object to MCM committing to attended noise monitoring on our property, with out us first being consulted. | Monitoring will not be undertaken on any privately-owned property without the consent of the land owner. Where a land owner objects to attended noise monitoring on their property then attended noise monitoring will be undertaken at a location between that property and the location of the night time construction activities. | Tuck-Lee |
| It is clearly evident that construction of the noise bund started in April 2009. We live metres from Open Cut 1 (OC1) and Ulan School is two kilometres away. | Some clearing has been carried out within the approved impact footprint for OC1 as part of on-site construction activities. However, earth works required to construct the noise bund, west of OC1 have not yet commenced. These earth works are scheduled to commence in September. | Tuck-Lee & Symons |
| The longer haul road and use of larger trucks has not been adequately mitigated. | Moolarben Coal Mines is required to comply with the noise and dust impact assessment criteria prescribed in the Stage 1 Approval. This will be achieved through the implementation of industry best practice mitigation and management measures. | MDEG |
| No separate noise or dust considerations have been made for the proposed temporary coal handling facilities. | When compared to the approved coal handling facilities, temporary coal handling facilities, where required, will be reduced in scale (i.e., size and throughput) and located 1 km further away from sensitive receivers (EA Section 3). These factors, combined with MCM's commitment to implement specific noise and dust mitigation and management measures (EA Section 5 and 6), will ensure that potential noise and dust impacts from the temporary coal handling facilities will be less than that for the approved facilities. | MDEG |
| Visual Amenity | | |
| We are already impacted by lights from Moolarben Coal Mine and anticipate to be impacted even more when more lights are added. | The impact of lighting for night time operations was assessed in the Stage 1 EA (Wells, 2006), which has been approved. Direct lighting of proposed night time construction activities will be greater than 4.5 km from the nearest privately-owned residence. Lighting for night time construction activities will be focussed on the working area and will be shielded to reduce potential direct offsite lighting impacts, where practicable and worker safety considerations allow. | Tuck-Lee & Symons |

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| Aboriginal Heritage | | |
| <p>The commitments in relation to protection of Aboriginal cultural heritage could be improved by inclusion of the following:</p> <p><i>The proponent and its employees, earthmoving contractors, subcontractors, machine operators and their representatives, whether working in the survey area or elsewhere, will be instructed that in the event of any bone or stone artefacts, or discrete distributions of shell, or any objects of cultural association, being unearthed during earthmoving, work will cease immediately in the area of the find and the find assessed prior to work recommencing. Any new sites are to be recorded, salvaged and stored (where appropriate) in accordance with the Moolarben Coal Project Aboriginal Cultural Heritage Management Plan for Stage 1.</i></p> | <p>Moolarben Coal Mines will adopt this recommendation.</p> <p>All works will be undertaken under the supervision of the Environmental Manager.</p> | DECC |
| <p>The Drip and Goulburn River Gorges is an area of Aboriginal significance.</p> | <p>The impacts of Stage 1 on the Drip and adjacent sandstone cliffs were assessed in the Stage 1 EA (Wells, 2006), which has been approved.</p> <p>The modification relates to activities located over 5 km from the Drip. No aspect of the modification will impact on the Drip and Goulburn River Gorges.</p> | Hulme |
| Health | | |
| <p>Continuous mine construction activities 24 hours a day, seven days a week, will be to the detriment to the health of mine employees.</p> | <p>All employers have a duty of care under the <i>Occupational Health and Safety Act 2000</i> to ensure that the health and safety of employees are protected.</p> <p>The health and safety of all its employees are of utmost importance to MCM.</p> | Atkinson |
| Community Consultation | | |
| <p>The community, and especially affected landholders, were poorly informed of the modification proposal.</p> | <p>The modification was discussed with community representative members at the CCC meeting on 28 July 2009, advertised in the Mudgee Guardian on 3 and 7 August 2009 and made publicly available at various locations, including Mid-Western Regional Council's office in Mudgee and on the DoP's and MCM's websites.</p> | Swords |

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| Moolarben Coal Mine has poorly responded to inquiries from local landholders. | Moolarben Coal Mines has an open door policy and invites local community members to discuss their issues with its staff. It also has a 24-hour complaints line and a CCC with community representation. As a new long-term business in the Ulan area, MCM is committed to developing good working relationships with its neighbours and the community. | Tuck-Lee & Symons |
| Other | | |
| The Drip and the Goulburn River Gorges should be included in the Goulburn River National Park. | Moolarben Coal Mines generally supports the inclusion of the Drip and adjacent Goulburn River riparian corridor into the Goulburn River National Park. However, MCM believes that the Drip and Goulburn River riparian corridor will not be able to be included into the Goulburn River National Park until such time that exploration and mining has ceased in the area. | Goulburn River Stone Cottages, Howe, Hulme, Phillips, Smiles, White, Wales, Atkinson, Cooper, JCCC, MDEG |
| There is no mention in the EA of the power lines that provide power to our property and access that the power supplier, Country Energy, need for maintenance and repairs. Part of the power line from Ulan will be within the fenced-off area. | Moolarben Coal Mines will ensure that access to the power line is maintained for maintenance purposes. | Swords |
| Ecological habitat, landscape visual amenity, fragile natural systems, heritage and community health should be valued above economic gain. Mining only results in a short-term gain for a long-term loss forever. | Moolarben Coal Mines expects that a decision will be made on the modification based on the merits of the proposal. | Atkinson, Albury, JCCC |
| Despite numerous requests at CCC meetings and in submission letters, MCP Environmental Assessment maps and plans do not recognise or record the three permanent dwellings on our property 'Gleniston'. | The plans included in the EA for the modification do not extend as far north as the 'Gleniston' property. Notwithstanding, MCM is required to construct and operate Stage 1 in accordance with the conditions of the Stage 1 approval, which includes prescribed impact assessment criteria at all surrounding privately-owned properties. | Goulburn River Stone Cottages |
| The EA states many times that we are the nearest privately-owned residence and located "more than 4 kilometres away". We are actually located metres from Open Cut 1 and other parts of MCM, such as the workshop and haul road, but the EA does not mention that. | The impacts of Stage 1 on surrounding privately-owned properties were assessed in the Stage 1 EA (Wells, 2006), which has been approved. The 4 km reference in the modification is the distance between proposed night time construction activities and the nearest privately-owned residence. | Tuck-Lee & Symons |

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| Because we are on the acquisition list, we do not have any rights and are treated like second-class citizens. | As a new long-term business in the Ulan area, MCM is committed to developing good working relationships with its neighbours and the community. This includes those land owners that have acquisition rights under the Stage 1 Approval. | Tuck-Lee & Symons |
| Ground movement and tremors from machinery or blasting will destroy the overhanging sandstone cliffs of the River Gorges, which are particularly vulnerable. | The impacts of Stage 1 on the Drip and adjacent sandstone cliffs were assessed in the Stage 1 EA (Wells, 2006), which has been approved. The modification relates to activities located over 5 km from the Drip and does not include blasting (EA Section 3). No aspect of the modification will impact on the Drip and adjacent sandstone cliffs. | Albury |
| There is currently no mining lease approved over the area needed for part of this modification. | Moolarben Coal Mines has applied for a mining lease over the area not covered by existing mining leases. However, this mining lease cannot be granted without MCM first obtaining project approval. | MDEG |
| Felix Resources has approval to commence mining coal, therefore the contract with the Newcastle Coal Infrastructure Group (NCIG) is not under threat. | Delays to the envisaged construction schedule for Stage 1 occurred as a result of third party objections to the Project Approval and mining lease for Stage 1 (EA Section 3). These delays were beyond the control of MCM. | MDEG |
| Escalating of an already huge mine, stage-by-stage in “small” increments is a tactic to make the overall impact look less significant, and should be rejected. | The modification does not seek to escalate or alter the approved rate of mining (EA Section 3, 4 and 7). | Atkinson, JCCC |
| There is no adequate justification given for the fifth modification of the current approval. | Justification for each aspect of the modification is provided in EA Section 3. | MDEG |
| The Stage 2 proposal should not be approved and Felix Resources directed to proceed with the current approvals. Moolarben Coal Mine should only be able to lodge one application at a time, not keep breaking up the original application up into different applications and resubmitting them to the DoP. | The modification is for Stage 1 only. Neither the <i>Environmental Planning and Assessment Act 1979</i> or the <i>Environmental Planning and Assessment Regulations 2000</i> prohibit the lodgement of multiple applications. | MDEG, Albury |
| We need to redirect planning to more sustainable energy projects. | This is a matter for government and other developers. | Wales |
| The rigour of the entire approval process is questionable given that five subsequent modifications to the original plans have now been submitted. This modification proposal pre-empts the Stage 2 approval. | The rigour of the approval process is a matter for government. The modification is for Stage 1 only. However, in designing the relocated ROM coal facilities MCM has considered future mine development plans (EA Section 3). | Hulme, Munro, Smiles |

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| <p>Scope 3 greenhouse gas pollution from the Moolarben coal mine will have unacceptable impacts on the global climate and by extension all life on earth.</p> <p>The impacts of greenhouse gas emissions are impossible to offset.</p> | <p>The scope 3 emissions for Stage 1 were assessed in the Stage 1 EA (Wells, 2006), which has been approved.</p> <p>The modification will not alter the amount of coal produced or exported from Stage 1.</p> | <p>Cooper, Howe, Hulme, Phillips</p> |
| <p>Stage 1 and 2 of the MCP will already be a major source of carbon emissions. We must cut emissions, not increase them by irresponsible approval of modifications.</p> | <p>The decision to approve or refuse coal mine development in NSW rests with the Minister for Planning. Moolarben Coal Mines expects that a decision will be made based on the merits of the proposal.</p> | <p>Hulme, Murno, White, Atkinson, Albury, JCCC</p> |

3. REFERENCES

ANZEC (2000). Australian and New Zealand Guidelines for Fresh and Marine Water Quality. October. Australian Water Association, Artarmon, NSW.

Wells (2006). Moolarben Coal Project Environmental Assessment Report. Report prepared for Moolarben Coal Mines Pty Ltd by Wells Environmental Services.