



TRIM reference: OUT15/5578

Bo Moshage
PO Box 152
Cessnock NSW 2325

Dear Bo

James St Cessnock Planning Proposal

We are writing to clarify the position of Division of Resources & Energy (DRE) on the above proposal.

The James Street proposal includes rezoning land adjoining coal mining lease ML1345 (Austar Coal Mine Pty Limited) for residential purposes. Despite the adjoining mining title, the Gateway Determination (Department Ref: PP_2014_CESSN_003_00) did not include a requirement that DRE be consulted under section 56(2)(d) or S117 of the EP&A Act. However, given DRE's objections to another proposed development adjoining this mining title, Council sought advice from DRE.

DRE consulted with the titleholder and subsequently expressed concerns to Council that this proposal had the potential to impact negatively on operations at Austar mine. Austar Annual Environmental Monitoring Reports indicate there have been no complaints related to the reject emplacement activities for the 2012-2013 and 2013-2014 monitoring years. However, the Austar Community Complaints Register does indicate one noise complaint in relation to reject emplacement in October 2014 and another in January 2015. Austar have managed these impacts appropriately. Council have advised that they have not directly received complaints related to these activities.

Subsequent to expressing these concerns, DRE have reassessed the proposal and its implications, and held meetings with the developer, Council and DPE. DRE now have a more fully-informed understanding of Austar's operational requirements and community sensitivities, and also the progress of the rehabilitation works being undertaken within ML1345. Rehabilitation works are progressing away from the location of the rezoning site, decreasing the potential for impacts to potential residents. DRE no longer have any objections to the planning proposal.

Yours sincerely

Kevin Rumung
Assistant Director, Coal & Petroleum Geoscience

23 March 2015

Copies to: Gary Mulhearn, Austar Coal Mine Pty Ltd; Katrine O'Flaherty, Department of Planning and Environment; Jamie Boswell, Hardie Holdings