

Media Release 21st May 2012

## **LEGAL ADVICE: MINISTERS TERMS OF REFERENCE HAVE NOT BEEN MET FOR LEARD FOREST COAL MINES**

The Maules Ck Community Council has obtained legal advice that the Terms of Reference set by the NSW Planning Minister for the Leard Forest Coal Mines have not been met by the Planning Assessment Commission.

The Council claims that this raises concerns about the legal validity of the planning process and has called for the Planning Minister to urgently refer the mines back for a proper merits review.

The advice, provided by the Environmental Defenders Office in the form of a letter to the Planning Minister on behalf of the Council, states that:

*"We are of the view that the PAC Review for both Boggabri and Maules Creek project do not comply with your request to the PAC because the PAC did not have enough information to undertake an assessment of the cumulative impacts in relation to dust and noise because of the deficiencies in the studies submitted in the Environmental Assessment"*

"This advice raises serious questions for us - if the Planning Minister isn't capable of enforcing his own Terms of Reference then how can we have any faith in the planning process?" said Phil Laird, spokesperson for the Maules Ck Community Council.

"Cumulative dust and noise assessments are essential, according to the advice, to determining the zone of affectation and identifying which properties must be purchased by the mining companies.

"Unfortunately, the Planning Assessment Commission has put the cart before the horse - leaving assessment of cumulative impacts to regional strategies that will be drafted after the mines are approved.

"The community will have no legal right to comment on those strategies and there is not even any requirement for them to be released to the public.

"We are going to be locked out from having a say on the levels of dangerous coal dust that we consider acceptable in our communities.

"It's a worst case scenario for farmers in the area and we are calling on the Planning Minister to act urgently to send these assessments back to the drawing board until a proper cumulative assessment of dust and noise impacts has been conducted" he said.

Legal letter available on request.

Information or comment: Phil Laird on 0428 712622