

The Hon. Richard Wynne MP
Minister for Planning
Email: Richard.Wynne@parliament.vic.gov.au

8 May, 2020

File: PA2011338

Dear Minister Wynne,

West Gate Tunnel Project and Maddingley Brown Coal

It has been confirmed with Moorabool Shire Council (Council) that Maddingley Brown Coal (MBC) has submitted the proposal to accept, store, and potentially dispose of unclassified contaminated soil from the West Gate Tunnel Project for intervention under section 20(4) of the *Planning and Environment Act 1987*.

It is requested that the following further information is considered in the review of the application:

- The s53V audit of Nolan dated March 2020, which measures the current risk to the environment. The executive summary for which is attached, and
- A copy of the enforcement proceedings taken by Council together with attached schedules of alleged breaches, copies of which are attached.

We refer you in particular to the audit page iv in the summary which sets out the auditor's conclusions on risks of the current operation. The recommendations might appropriately be the subject of regulatory oversight including by way of Notices issued under the Environment protection Act.

Clearly both are matters of significance and must be taken into account in making the decision on the request.

Council maintain the position that it has not yet received proper or adequate consultation to this point and that in these circumstances use of section 20(4) is considered inappropriate. Notwithstanding, Council ask that the draft incorporated document is forwarded to Council to consider and provide comment upon before any decision is made. It is imperative that this occur now including, but not limited to, Council's input on the document that it will be called upon to enforce should it be placed in the Planning Scheme.

Council also considers community consultation to date to be inadequate for such a controversial project.

Council appreciates the difficult position the project is in; however, we expect the review of this application to consider the concerns of the Moorabool community and severity of the risks involved.

Yours sincerely,



Derek Madden
Chief Executive Officer

