



Environment, Climate Change & Water

Your reference: 9038493
Our reference: LIC07/996-04:
DOC10/54753
Contact: Andrew Helms, 6332 7604

Mr Colin Phillips
A/Manager Mining Projects
Major Project Assessment - Mining and Industry Projects
Department of Planning
GPO Box39
SYDNEY NSW 2001

13 January 2011

Dear Mr Phillips

Angus Place Coal Project (06_0021 Modification 1)

I refer to your letter, received by the Department of Environment, Climate Change and Water (DECCW) on 3 December 2010, requesting DECCW's comments and any recommended conditions of approval for the above proposal.

DECCW has assessed the proponent's application, summarised in the document "*Environmental Assessment – Angus Place Colliery, NSW, Modification of Project Approval 06_0021 Under Section 75W, Part 3A*" (prepared by RPS Australia East Pty Limited, November 2010, and has determined that it is able to support the proposal in its current form.

Protection of the Environment Operations Act 1997

Based on DECCW's review of the Environmental Assessment (EA), and in considering the Statement of Commitments that accompany the application, DECCW is of the opinion that the continued operations proposed at Angus Place Colliery can be undertaken in accordance with the conditions of the existing Environment Protection Licence 467.

Should Project Approval be granted, the proponent will be required to make an application to DECCW in order to vary the licence such that it is aligned with the proposed modification to the scale of mining activity.

DECCW also recommends that the commitments described in Section 8.2 and 8.3 of the EA with respect to mitigating the potential impacts on air quality, noise, soil and water be adopted as conditions of project approval.

Threatened Species Conservation Act 1995

The DECCW supports the recommendations summarised in sections 8.2 and 8.3 of the Statement of Environmental Commitments with regard to monitoring and management of Flora and Fauna. DECCW notes that an application will be made, on receipt of Project Approval, to the Department of Industry and Investment for a new Subsidence Management Plan.

DECCW does not consider, in this instance, that compensatory offsets will be required as a result of the removal of 4.2 ha of native vegetation necessary for the establishment of the additional dewatering bore.

National Parks and Wildlife Act 1974 (Cultural Heritage)

The DECCW supports the recommendations summarised in sections 8.2 and 8.3 of the Statement of Environmental Commitments with respect to the protection of Aboriginal and cultural heritage.

In addition to the comments provided above, DECCW notes that some detail is provided in the various subsections of Chapter 7 with respect to the mitigation measures that will be put in place to reduce or eliminate the risk of impact of the project on various identified environmental issues (subsidence, flora and fauna, soil and water, air quality, etc). DECCW recommends that the Department of Planning condition any Project Approval such that the specific mitigation strategies described in Section 7 are appropriately captured.

Please note, that the NSW Office of Water (formerly the Department of Water and Energy), while part of DECCW, has sole responsibility for the regulation of the *Water Management Act, 2000*. Accordingly, in this instance NSW Department of Planning should seek comment on the Proposal directly from the Office of Water.

Should you have any further enquiries regarding this matter please contact Andrew Helms at the Bathurst Office of DECCW by telephoning 6332 7604.

Yours sincerely



DARRYL CLIFT
Head Regional Operations Bathurst
Environment Protection and Regulation