

Reference: LGS
Environment & Development Dept.



11 June 2014

Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Angus Place Mine - Modification of Project Approval, Initial Development of Two Longwalls (Mod 4)

I refer to the abovementioned project and your request for submissions.

Council considers the Environmental Assessment adequately highlights the relevant issues; however, Council requests that a contribution in accordance with its Section 94A Contributions Plan be included in any consent. Council has recently received legal advice on its Section 94A Plan and its applicability to developments under Part 4, Division 4.1 of the Environmental Planning and Assessment Act and is of the strong view that the Contributions Plan applies. Council notes that a nil development cost has been suggested by the Applicant. Whilst it understands the argument it does not accept that there would be no development costs associated with the development or at least a reasonable proportion of the overall development costs of the mine. Council would be happy to discuss the matter further if that is of assistance but would expect that a condition be imposed.

On a separate matter, Council believes that an opportunity may exist to modify Condition 12 on the consent. This condition states:

"12. Within 6 months of the date of this approval, the Proponent shall establish a Community Enhancement Fund of at least \$30,000 to fund projects of benefit to the local community. The Proponent shall consult with Council and the CCC regarding distribution of monies from the fund."

This matter seems to have reached an impasse in that no agreement could be reached through the CCC process. So that the matter can proceed it is suggested, if the applicant agrees, that the condition is amended to delete the reference to the CCC.

Please do not hesitate to contact Miss Lauren Stevens who is available between 8:15am and 12:45pm Monday to Friday on (02) 63549999, in Council's Environment & Development Department should you have any queries in relation to this matter.

Yours sincerely

J Nichols

DEVELOPMENT MANAGER

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