



Ms Lynelle Briggs AO
Chair
Planning Assessment Commission
GPO Box 3415
Sydney NSW 2001

Dear Ms Briggs

**Ashton Coal Project
(DA 309-11-2001-I MOD 5)**

The Department refers to the modification application for the Ashton Coal Project (ACP) (DA 309-11-2001-I MOD 5), which was initially referred to the Planning Assessment Commission for determination in August 2011, in conjunction with the associated major project application for the Ashton South East Open Cut (SEOC) Project (08_0182).

I understand that the Commission, following a request from the Applicant (Ashton Coal Operations Limited), chose not to determine the MOD 5 application at that time so as to leave the consent for the ACP in place, should the Commission's determination of the SEOC Project be appealed in the Courts. As it turned out, an appeal did eventuate, which in turn led to protracted Court processes.

In August 2014, the NSW Land & Environment Court approved the SEOC Project, subject to conditions.

Ashton Coal Operations Limited has recently approached the Department and requested that the application for MOD 5 now be determined. Approval of the modification would allow the integration of the company's SEOC Project and ACP and the formation of the Ashton mining complex.

The Department has therefore completed an addendum to its August 2011 Environmental Assessment Report, including a revised Notice of Modification (attached). The Notice of Modification reflects the changes necessary to integrate the ACP consent operationally with the SEOC project approval. Conditions in both approvals provide for the integration of various requirements across the operations, such as the integration of the management plans required under each approval. As requested by Ashton Coal, the NoM also removes redundant conditions and contemporises the consent. An important element of the modified consent, as proposed, is that it provides for appropriate regulation of the ACP's operations either following the integration of the SEOC or without that integration. You may be aware that the commencement date for the SEOC is uncertain, owing to particular conditions placed on that approval by the LEC.

It would be appreciated if the Commission would consider the addendum report and determine the modification application at its earliest convenience.

Should you have any further enquiries about this matter, please contact Howard Reed, Director, Resource Assessments, on 9228 6308.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized, cursive script.

Marcus Ray

Deputy Secretary

Planning Services

24/02/2016