



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Ms Anna Johnston  
A/Team Leader  
Strategic Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



Department of Planning  
Received  
25 NOV 2010  
Scanning Room

Dear Ms Johnston

**RE: REQUEST FOR COMMENT - COAL & ALLIED SOUTHERN ESTATES: GWANDALAN, MIDDLE CAMP, NORDS WHARF**

Thank you for the opportunity to provide comment on the Concept Plan, State Significant Site application and Voluntary Planning Agreement for the above developments.

As you may be aware, this project was approved with conditions under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) by the Commonwealth Environment Minister on 23 March 2010. The decision notice, approval conditions and other relevant documentation are available on the department's website at:

[http://www.environment.gov.au/cgi-bin/epbc/epbc\\_ap.pl?name=current\\_referral\\_detail&proposal\\_id=4419](http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=4419).

I would note that any approval with conditions granted to this project under State legislation should seek to be consistent with the requirements already conditioned under the EPBC Act. Furthermore, the proponent should be aware that they have EPBC Act approval to undertake the action as it was referred, assessed and approved under this legislation. Should the nature, scale or likely impacts (on matters of national environmental significance) of the project alter as a result of the NSW assessment process, approval under the EPBC Act may not apply to the altered action.

Please do not hesitate to contact me should you have any further queries.

Yours sincerely

Fiona Beynon  
Director  
SE Qld/NSW Section  
Environment Assessment Branch 3

22 November 2010

cc Keith Dedden, Project Director - Coal & Allied Operations Pty Ltd