



Planning &  
Environment



Ms Lynelle Briggs AO  
Chairperson  
Planning Assessment Commission  
GPO Box 3415  
SYDNEY NSW 2001

Dear Ms Briggs *Lynelle*

### Wallarah 2 Coal Project (SSD 4974)

In October 2012, Wyong Areas Coal Joint Venture (WACJV) lodged a development application seeking approval for the Wallarah 2 Coal Project. In early 2014, the Department completed its preliminary assessment and referred the project to the Commission for a merit review. The Commission held a public hearing in April 2014 and completed its review report in June 2014, which included 35 recommendations to further reduce the project's impacts.

The original development application included two lots of land owned by the Darkinjung Local Aboriginal Land Council (LALC), on which part of the project's rail spur was proposed to be built. In June 2014, the Land and Environment Court ruled that consent must be obtained from the NSW Aboriginal Land Council in respect of the use of the Darkinjung LALC's land before the project could be approved. WACJV and the LALC have since been unsuccessful in reaching agreement over the use of the LALC's land. The NSW Aboriginal Land Council has also advised that its consent would not be given in the absence of any such agreement.

On 15 July 2016, an amended development application submitted by WACJV under clause 55 of the *Environmental Planning and Assessment Regulation 2000*, was accepted by the Department, as the Minister's delegate. The amended development application avoids all land owned by the Darkinjung LALC and replaces the previously proposed rail spur and rail loop with a coal conveyor and a rail siding.

The amended development application was exhibited for 6 weeks commencing on 22 July 2016. A total of 680 submissions were received in response, of which 556 objected to the project. On 4 November 2016, WACJV submitted its Response to Submissions and has since provided additional information as requested.

The Department has now completed its assessment of the merits of the amended project and considers that the project is approvable. A copy of the Department's Addendum Report and proposed draft conditions are enclosed.

The Addendum Report, in combination with the Department's Preliminary Assessment Report dated February 2014, comprises the Department assessment of the Wallarah 2 Coal Project. The Addendum Report also provides a response to the 35 recommendations made in the Commission's June 2014 Review Report.

To help inform its consideration of the key recommendations in the Commission's Review Report, the Department sought additional independent expert advice on the project's economic impacts and the further advice of key government agencies.

In accordance with the Minister's delegation dated 14 September 2011 and the Minister's request to the Planning and Assessment Commission dated 7 February 2017 (see copy attached), the project is now referred to the Commission for review. The Minister has requested that a public hearing be held and that the Commission's final report on the review be submitted to the Department within 8 weeks of receiving this letter.

Should you have any enquiries, please contact Mr Howard Reed, Director Resource Assessments on 9274 6308.

Yours sincerely



Marcus Ray  
**Deputy Secretary**  
**Planning Services**

28/02/2017