

Update on the Ashton Coal Mine, South East Open Cut Proposal, Singleton LGA

The Planning Assessment Commission determined to refuse to approve the above proposal on 19 December 2011.

Ashton Coal Operations Pty Ltd (Ashton) has since appealed the decision of the Commission in the Land and Environment Court. Ashton sought orders from the Court that the decision of the Commission be set aside and that their project application be remitted to the Commission for further determination.

On Thursday, 5 April 2012 with the consent of the parties, his Honour Justice Craig made the orders sought by Ashton. As such, Ashton's project application has now been remitted to the PAC for further determination.

The Commission will be constituted by Dr Neil Shepherd AM (Chair) and Ms Gabrielle Kibble AO. Mr Brian Gilligan was a member of the Commission that made the original determination on the project. Unfortunately due to prior commitments Mr Gilligan is not available to participate in the Commission's further consideration of the project.

The Commission will reconsider all the documentation previously before it and will also now consider the Addendum to the Director-General's Environmental Assessment Report, which it received shortly after making the original determination.

As part of this process, the Commission will meet with relevant parties, including government agencies and the proponent. The Commission will also hold another public meeting so that the local community may comment on the Addendum and any additional information received. All previous submissions made to the Commission will be considered again, before the Commission makes its further determination. As such only those with any new information or comments need to participate in the second public meeting.

Details of the public meeting will be made available shortly.