

Ashton SEOC Project – MOD 1

Presentation to the Independent Planning Commission

Mark Jacobs
Executive GM, Environment & Community
Yancoal Australia Limited

1 August 2018



Ashton Coal Complex

Comprises the following approved developments:

- Ashton Coal Project (ACP) – DA 309-11-2001-i
- South East Open Cut (SEOC) Project – MP 08_0182

Ashton Coal Project (ACP) – NEOC and Underground

- Ministerial approval granted October 2002 (DA 309-11-2001-i)
- Approved under **Part 4** of the EP&A Act
- Approved development includes:
 - Open Cut – North East Open Cut (**NEOC**) – commenced 2003, ceased 2011
 - **Underground** – multi-seam longwall operation – commenced 2006, ongoing
 - Out-of-pit emplacement
 - ROM stockpiles, CHPP, rail load out & siding
 - Tailings emplacement
 - Associated mine infrastructure
 - Rehabilitation of the site
- In 2016 PAC approved a modification to DA 309-11-2001-i (MOD-5) to authorise interactions between the ACP and the SEOC developments
- **No change proposed to the ACP development from the SEOC modification application**

South East Open Cut (SEOC) Project

- Land & Environment Court (LEC) approval granted April 2015 (MP 08_0182)
- Approved under **Part 3A** of the EP&A Act
- Approved development includes:
 - Open Cut – South East Open Cut (**SEOC**)
 - Out-of-pit emplacement
 - ROM stockpile
 - Overland conveyor – for transfer of ROM coal to and tailings from the ACP CHPP
 - Tailings emplacement (in pit)
 - Associated mine infrastructure
 - Flood levy and low-permeability barrier
 - Rehabilitation of the site

- **SEOC Project has not yet commenced – Condition 10A (Schedule 2):**

*The Proponent must not carry out any development work on the Project site until it has:
(a) Purchased, leased or licensed property 129 from the owner of property 129*

Ashton Coal Complex – Overview

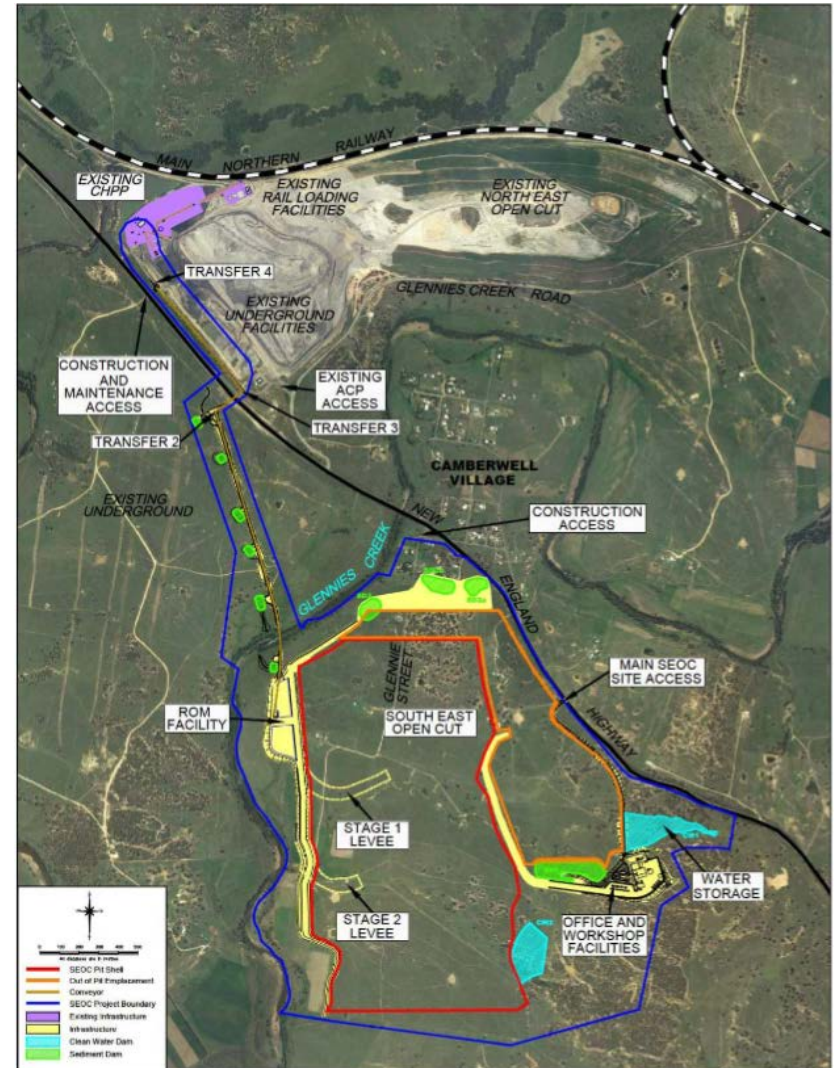
Ashton Coal Project (ACP)

DA 309-11-2001-i – approved 10/2002

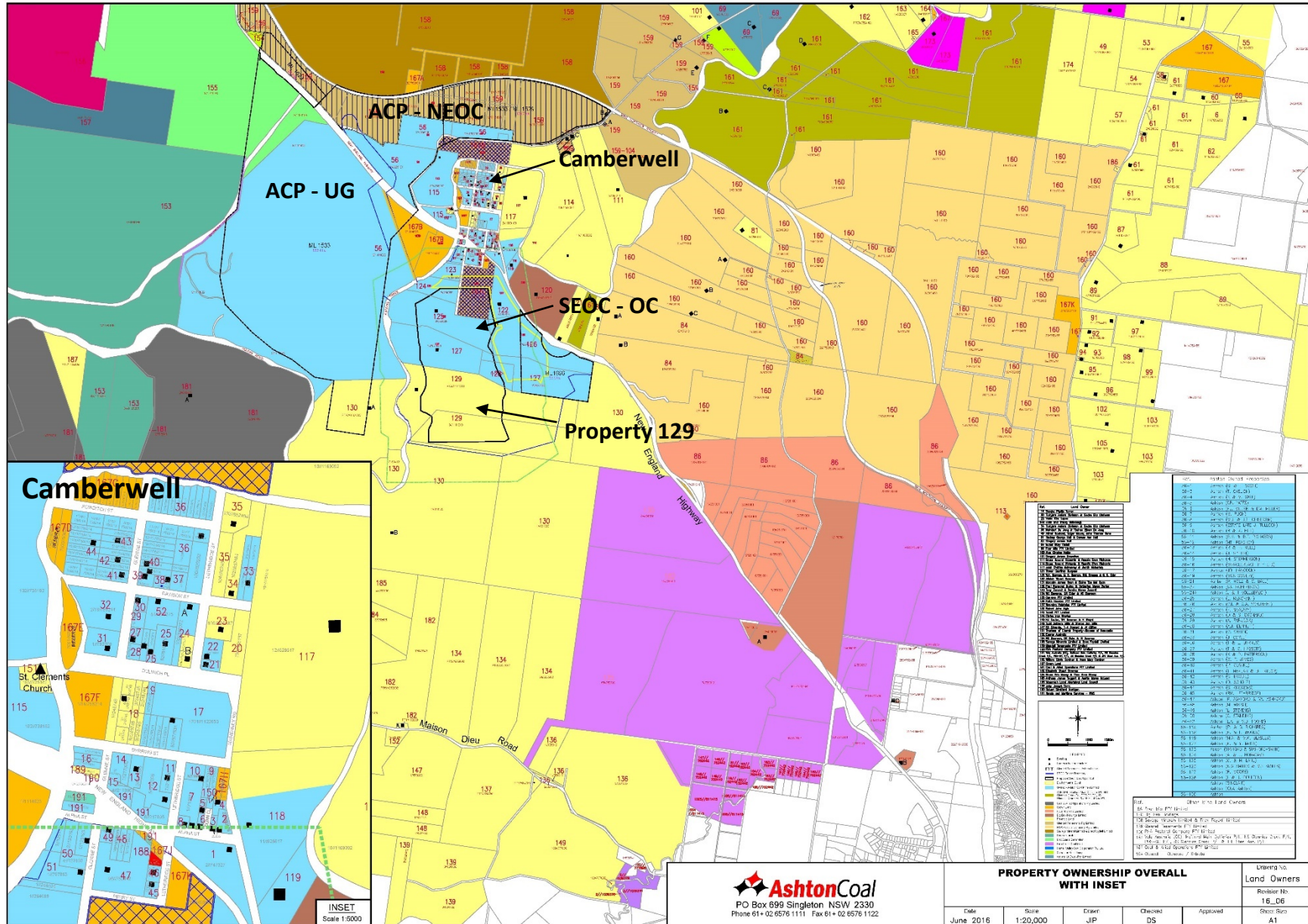


South East Open Cut (SEOC) Project

MP 08_0182 – LEC approved 4/2015



Ashton Coal Complex – Land Ownership



SEOC Project – MOD 1

- **Administrative** modification application to:
 - Clarify that a project approval (or development consent) does not have effect until it is **“taken up”** by the proponent – this is a fundamental planning principle:

Case law indicates approval obligations do not commence or apply automatically, including (for example) voluntary acquisition rights
 - Amend time-based condition requirements previously linked to grant of Project Approval – e.g.:

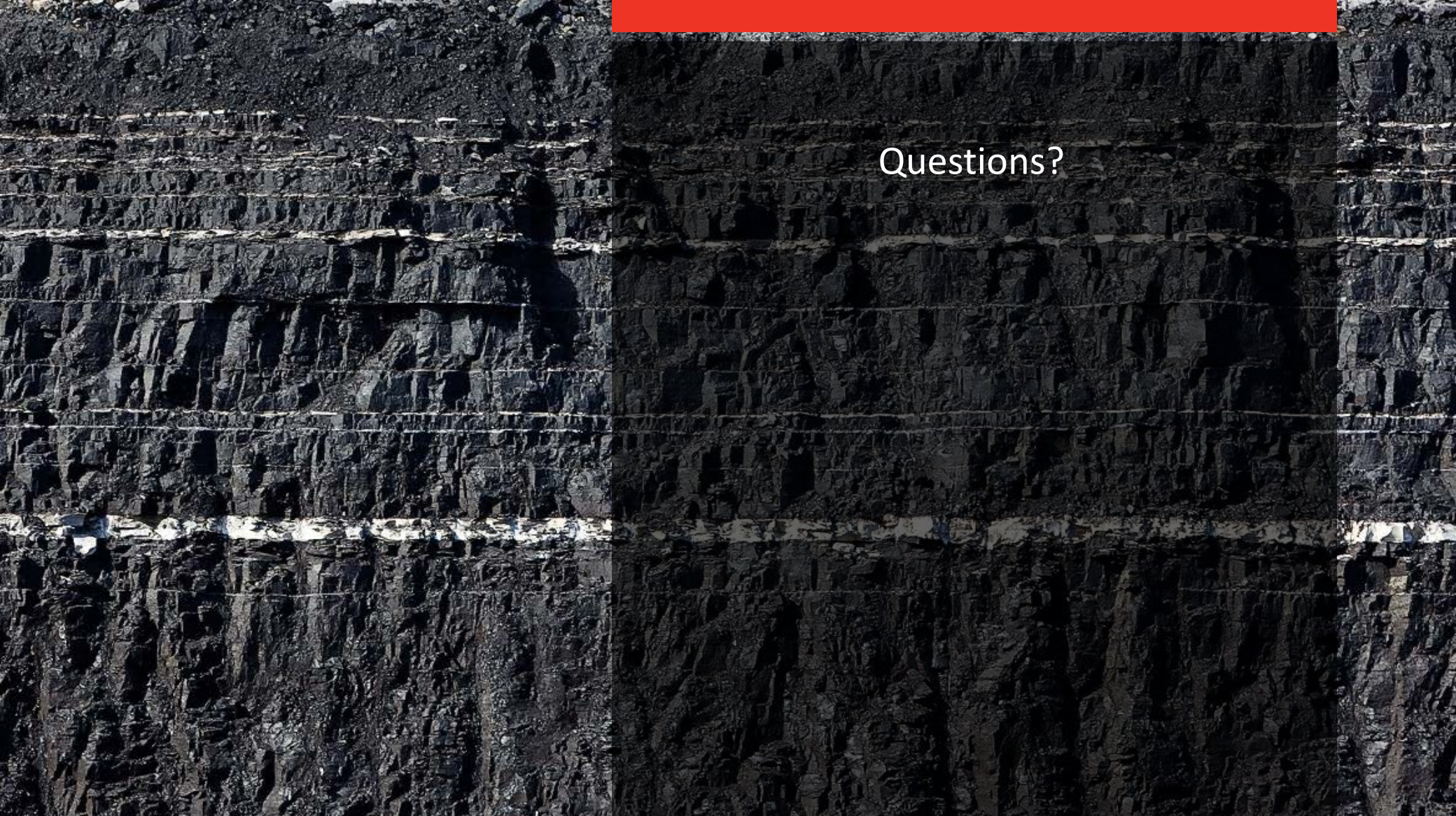
“Within 3 years of Project Approval” amended to *“Within 12 months of commencing mining operations, ...”*
- **Applies only to the SEOC Project Approval (MP 08_0182) and not** the entire mine (i.e. not applicable to the operation of the ACP)
- Application made under Section 75W Part 3A transitional provisions

SEOC Modification

- This Modification application accepts (and is consistent with) the decision of the LEC and the NSW Court of Appeal in respect of the pre-requisites to the commencement of the approval
- That is, the modification application:
 - **Does not** seek to amend Condition 5A (Schedule 2):
 - (a) This project approval shall lapse 5 years after the date that approval is granted unless the project is commenced before that day*
 - (b) The Secretary may, on application by the Proponent made before the time in (a) expires, extend the time to commence the project by two years*
 - **Does not** seek to amend Condition 10A (Schedule 2):
 - The Proponent must not carry out any development work on the Project site until it has:*
 - (a) Purchased, leased or licensed property 129 from the owner of property 129*
 - **Is not** a “back door” attempt to change the Court’s imposed approval commencement pre-requisite conditions

SEOC Modification – Conditions of Approval

- The Department has proposed amendments to the SEOC Project Approval, including:
 - Making administrative amendments to contemporise certain definitions
 - Amending certain conditions to reflect contemporary condition wording
 - Providing additional notes to assist in the interpretation of conditions
 - Amending time-based condition requirements (as requested)
- The Department **did not accept** Ashton's proposed *Notification of Commencement of Development* condition
- **Ashton accepts the Department's proposed changes to the Project Approval**



Questions?

