



## NEW CONDITIONS IMPOSED ON ASHTON SOUTH EAST MINE TO CLARIFY YANCOAL'S RESPONSIBILITIES

Monday 27 August 2018

Fresh conditions have been placed on the Ashton South East coal mine, near Singleton, with the state's Independent Planning Commission moving to provide greater community certainty around the mine owner's responsibilities.

Ashton Coal Pty Ltd, a subsidiary of Yancoal Australia Ltd, lodged a modification application with the Department of Planning and Environment to clarify its responsibilities relating to its proposed open cut mine and the conditions imposed by the NSW Land and Environment Court in 2014.

The company's application did not seek to modify the Court's ruling that the mine could not go ahead unless Camberwell farmer Wendy Bowman chose to sell her property to Yancoal.

The Department referred the application to the Commission for determination in July this year after receiving objections from the community, amid concerns Yancoal was attempting to water down the Court's requirement regarding the property acquisition.

Chair of the Commission, Professor Mary O'Kane AC, appointed a three-member panel – comprising Mr Alan Coutts (Panel Chair), Professor Zada Lipman and Mr Peter Cochrane – to determine the matter.

The Commissioners met with the applicant, representatives of the Department and Singleton Council, and held a public meeting in Singleton on 9 August to listen to the community's views, which focussed on:

- uncertainty surrounding the proponent's proposed amendments to the conditions established by the Land and Environment Court, and questions as to whether conditions imposed by the Court could be modified by the Commission
- uncertainty surrounding land acquisition as a result of the proposed amendments to the conditions established by the NSW LEC
- proposed administrative amendments to update the conditions of consent, including the inclusion of defined timeframes for implementing management actions and the correction of drafting errors – which were broadly supported, and
- cumulative impacts on air quality, human health, indigenous heritage, noise and water from mining in the Hunter Valley.

After examining the evidence before it and taking into consideration community's concerns, the Commission has today (Monday 27 August) decided to modify some of the conditions of consent to "increase community certainty" around the project.

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The decision by the Commission does not in any way conflict with or change the intent of the Land and Environment Court's decision.

The Commission has sought to correct a number of drafting errors throughout the original conditions of consent and provide greater community certainty around Yancoal's responsibilities – including how long Yancoal has to meet those conditions should it ever take up the project approval.

Under the revised conditions, Yancoal is still required to reach an agreement with Mrs Bowman about the acquisition of her property before any work on the mine can take place.

**The Commission's full Statement of Reasons for Decision is available here:**

<http://ipcn.nsw.gov.au/projects/2018/07/ashton-coal-mine-south-east-open-cut-mod-1>

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