

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue
Director
Resource Assessments

Sydney

6 July 2022

SCHEDULE 1

Development Application:	DA No. 309-11-2001-i;
Applicant:	White Mining Limited (ACN009 713 893) ("the Applicant");
Consent Authority:	The Minister for Planning;
Land:	See Appendix 1;
Proposed Development:	Development of an open cut coal mine, an underground coal mine and construction and operation of associated surface facilities, known as the Ashton Coal Project (ACP);
State Significant Development	The proposed development is within a class of development classified as State Significant development by virtue of a Declaration made by the Minister on 29 June 2001 since it is a new coal mine which would require a new mining lease;

SCHEDULE 2

- In the list of Definitions, delete the following terms and their definitions: "Ashton South East Open Cut Project" "DPI Water", "DRE", "MSB", "Secretary" and "RMS", and insert the following in alphabetical order:

BCD	Biodiversity & Conservation Division within the Department
DPE Water	Water Group within the Department
Development Layout Plans	The indicative development layouts depicted in the figures in Appendix 2
Heritage NSW	Heritage group within the Department
Modification Report (MOD 11)	The modification application entitled <i>Ashton-Ravensworth Underground Mine Integration Modification – Ashton Coal Project Modification Report</i> , prepared by Yancoal and submitted on 9 November 2021
Planning Secretary	Planning Secretary of the Department, or nominee and/or delegate
Resources Regulator	NSW Resources Regulator within Regional NSW
SA NSW	Subsidence Advisory New South Wales
- In the definition of "Applicant", directly following "Ashton Coal Operations Pty Limited, or" delete "its successors in title" and insert "any person carrying out any development under this consent".

3. In the definition of “Ashton Mine Complex”, directly following “in combination with”, delete “the Ashton South East Open Cut Project” and replace with “part of the Ravensworth Underground Mine, as shown in Appendix 2, Figures 4 and 5”.
4. In the definition of “DPI”, insert “Former” directly before “Department of Primary Industries”.
5. In the definition of “OEH”, insert “Former” directly before “Office of Environment and Heritage”.
6. Delete all references to “DPI Water” and replace with “DPE Water”.
7. Delete all references to “DRE” and replace with “the Resources Regulator”.
8. Delete all references to “the MSB” and replace with “SA NSW”.
9. Delete all references to “the MSB’s” and replace with “SA NSW’s”.
10. Delete all references to “OEH” and replace with “BCD”, except in the last sub dot point of condition 32(h) of Schedule 3 and in condition 34(b) of Schedule 3 where it should be replaced with “Heritage NSW”.
11. Update all references to “Secretary” and “Secretary’s” by inserting the word “Planning” directly prior.
12. In condition 2(a) of Schedule 2:
 - directly following “EIAs” insert “, Modification Report (MOD 11)”; and
 - directly following “Development Layout Plans” insert “in Appendix 2”.
13. In condition 3 of Schedule 2, delete “shall” and add “s” to the end of “prevail”.
14. In condition 5 of Schedule 2:
 - directly following “The Applicant may carry out” insert “underground”; and
 - directly following “on the site until” delete “26 February 2024, or a period of 12 years following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex, whichever is longer” and insert “31 December 2035”.
15. In condition 6 (a) of Schedule 2, delete “; and” a the end of the paragraph and replace with a full stop.
16. Delete condition 6(b) of Schedule 2.
17. Delete condition 14 of Schedule 2.
18. Insert a new condition 15 of Schedule 2 as follows:

“With the approval of the Planning Secretary, the Applicant may integrate any strategy, plan, program, report, review or audit required by this consent with any similar strategy, plan, program, report, review or audit (or part thereof) for the Ravensworth Underground Mine as approved under DA 104/96 and its subsequent modifications.”
19. In condition 1 of Schedule 3, delete “shall be” and replace with “is”.
20. In condition 9(a) of Schedule 3, delete “be prepared in consultation with the EPA, and”.
21. In Table 6: Air Quality Criteria, directly preceding 50 µg/m³ replace the superscript reference “a” with “b”.
22. In condition 17(a) of Schedule 3, delete “be prepared in consultation with the EPA, and”.
23. In condition 17(b) of Schedule 3, in the second dot point directly following “compliance with the air quality criteria” delete “and” and insert a comma, then directly following “operating” insert “, and greenhouse gas”.
24. In condition 26 (a) of Schedule 3, delete “OEH, EPA”.
25. In condition 30 of Schedule 3, delete “shall be” and replace with “is”.
26. In condition 31 of Schedule 3, directly following “underground mining area” insert “shown in the Development Layout Plans”.
27. In condition 32(h) of Schedule 3, directly following “Water Management Plan, which has been prepared in consultation with” delete “EPA and”.
28. In condition 36 of Schedule 3, delete both instance of the words “shall be” and replace the first with “will” and the second with “is”.

29. In condition 41 of Schedule 3:
- replace “The Applicant must rehabilitate the site” with “The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992* and”; and
 - delete “, to the satisfaction of the DRE”.
30. In condition 43 of Schedule 3:
- directly following “The Applicant must prepare” insert “and implement”; and
 - directly following “for the Ashton Mine Complex” delete “to the satisfaction of DRE to manage potential impacts of the development” and insert “in accordance with the conditions imposed in the mining lease(s) associated with the development under the *Mining Act 1992*”.
31. In condition 43(a) of Schedule 3, delete all text and replace with “Deleted”.
32. In condition 43(b) of Schedule 3 directly following “Table 11 and” delete “in the EA and the previous EIAs” and insert “the documents listed in condition 2 of Schedule 2 and Appendix 4 of this consent”.
33. At the bottom of condition 43 of Schedule 3, delete “The Applicant must implement the approved management plan as approved from time to time by the Secretary”.
34. In condition 7 of Schedule 4, following “Upon receiving such a request, the Planning Secretary” delete “shall” and replace with “may”.
35. In condition 7 of Schedule 4, following “then the Applicant’s obligations to acquire the land”, delete “shall” and replace with “will”.
36. In condition 3 of Schedule 5, delete “shall” and replace with “will”.
37. In condition 5 of Schedule 5, directly following the second paragraph, insert the following new paragraph:
- “With the agreement of the Planning Secretary, the Applicant may:
- (a) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required under the Ravensworth Underground Mine Consent for areas identified on Figure 5 of Appendix 2 as the “Operational Area to be managed by Ashton Coal Operations Ltd (Yancoal)””
38. In condition 7(a) of Schedule 5, directly following “accordance with the”, delete “*Guidelines for Establishing and operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version)” and insert “Department’s *Community Consultative Committee Guidelines: State Significant Development* (2019), or its latest version”.
39. Insert a new Condition 7A of Schedule 5, which states the following:
- “With the agreement of the CCC Chairs and the approval of the Planning Secretary, matters associated with the Ravensworth Underground Mine Consent area being managed by the Applicant, as identified on Figure 5 of Appendix 2 as the “Operational Area to be managed by Ashton Coal Operations Ltd (Yancoal)”, may be dealt with by the Ashton Coal Project CCC.”
40. In the note following condition 7 of Schedule 5, delete the final sentence “The CCC may be combined with any similar CCC for the Ashton Coal Mine Complex.”.
41. Replace all text for condition 8 of Schedule 5 with the following:
- “The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department’s Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.”
42. Following condition 8 of Schedule 5, insert the following:
- “Non-Compliance Notification**
- 8A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department’s Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

43. In the note following condition 11 of Schedule 5, delete the final sentence “The audits should be coordinated with similar auditing requirements for the Ashton South East Open Cut Project.”.

44. Insert the following Mine directly after Figure 3 of Appendix 2:

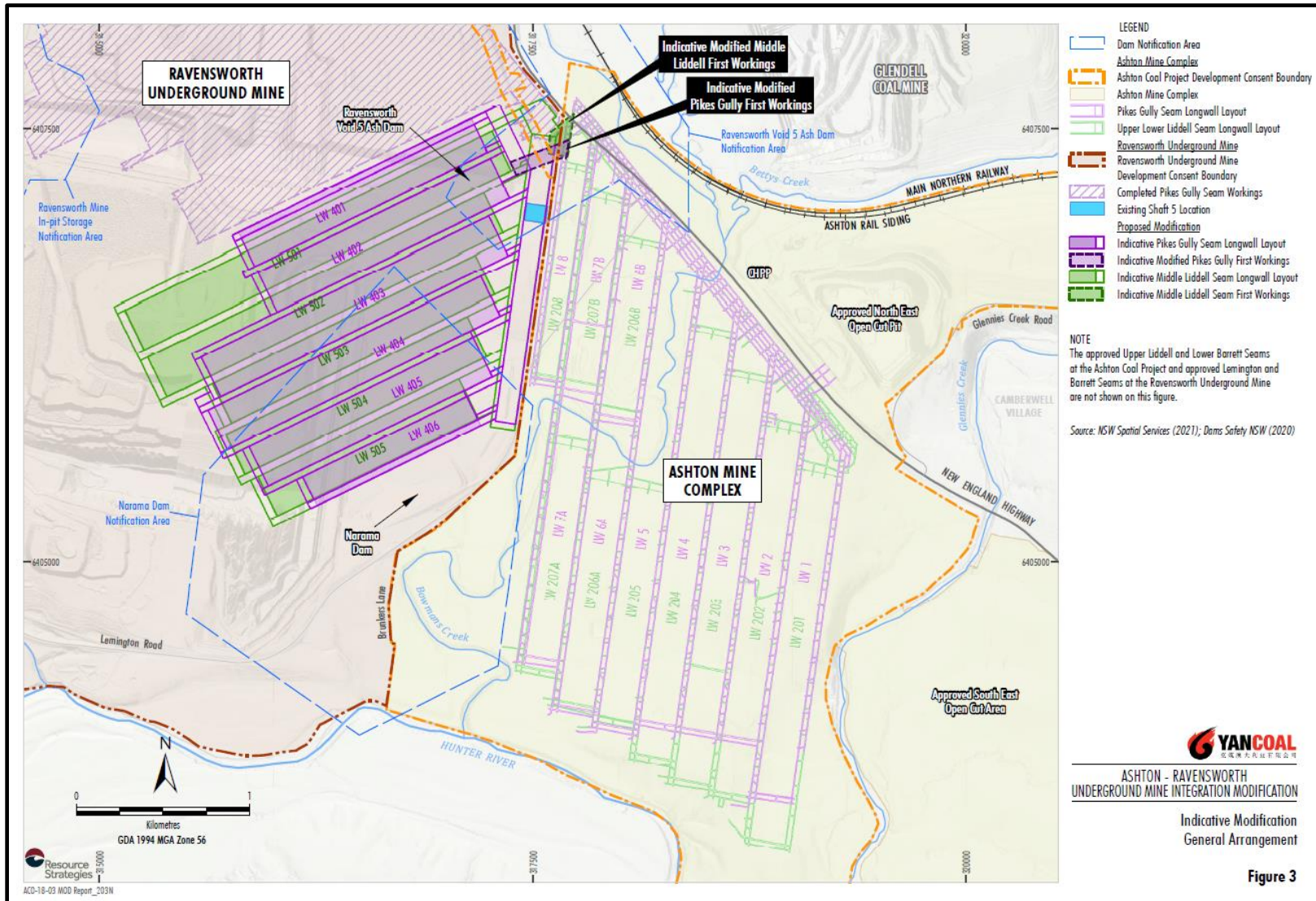


Figure 4 – Integration with Ravensworth Underground Mine

45. Insert the following directly after Figure 4 of Appendix 2:

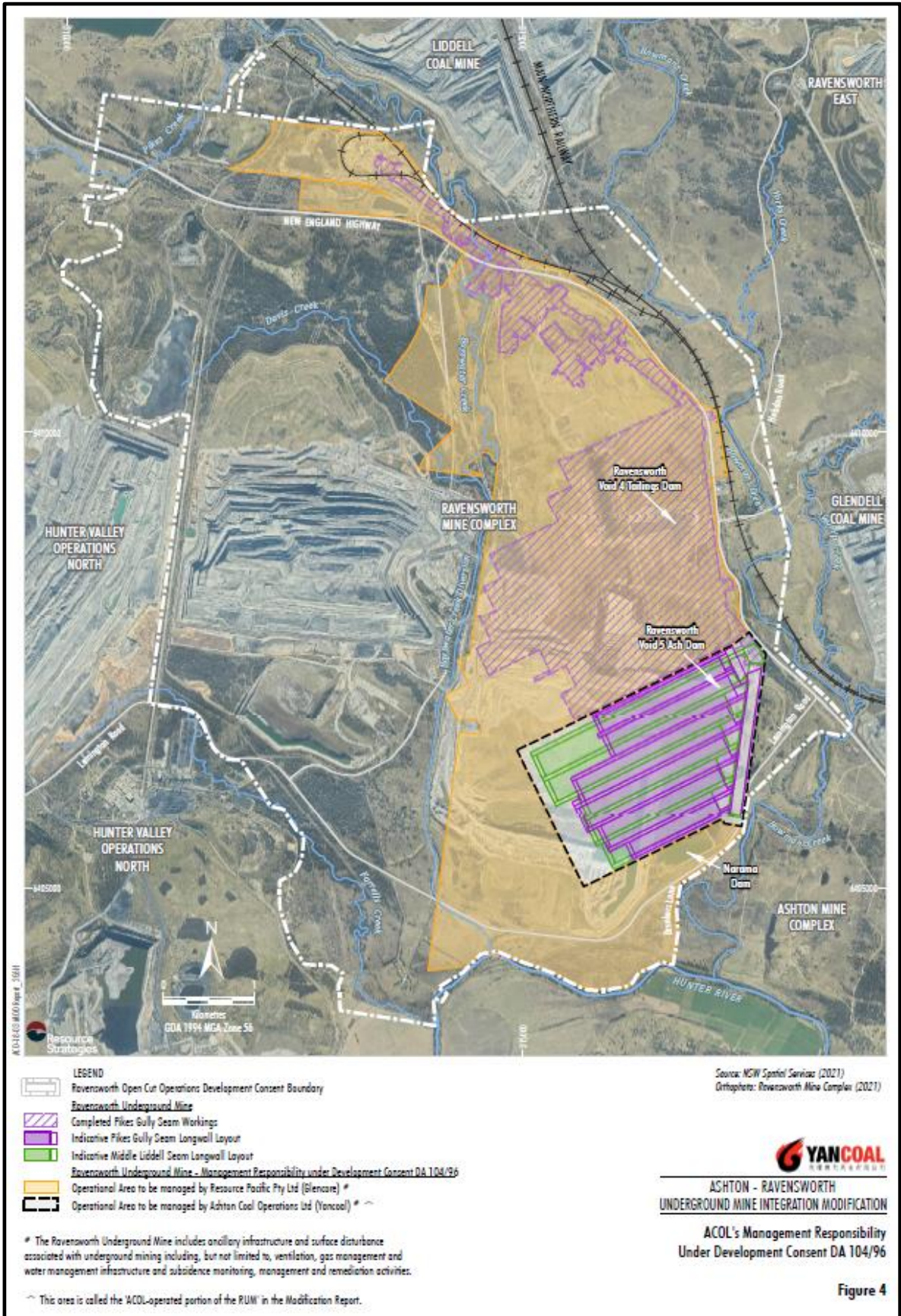


Figure 5 – Management of Operational Areas within Ravensworth Underground Mine

46. In condition 5 of Appendix 8, delete "shall" and replace with "must".

End of modification
(DA 309-11-2001-i MOD 11)