



Notification of approval decision

Ashton Coal Operations Ravensworth Underground Mine, Ravensworth, NSW, EPBC 2022/09208

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

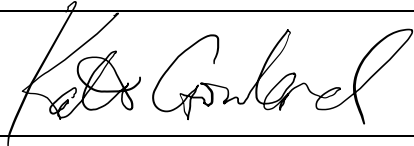
Approved Action

person to whom the approval is granted (approval holder)	Ashton Coal Operations Pty Limited ACN: 078 556 500
action	To conduct underground longwall mining of coal seams at the Ravensworth Mine Complex, develop associated infrastructure and transfer coal, water and gas to the Ashton Coal Project, in Ravensworth, New South Wales (See EPBC Act referral 2022/09208).

Approval decision

final decision	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.						
	<table> <tr> <th>Controlling Provision</th><th>Decision</th></tr> <tr> <td>Listed threatened species and communities (section 18 and section 18A)</td><td>Approved</td></tr> <tr> <td>Unconventional gas or large coal mining development with impact on water resources (section 24D and section 24E)</td><td>Approved</td></tr> </table>	Controlling Provision	Decision	Listed threatened species and communities (section 18 and section 18A)	Approved	Unconventional gas or large coal mining development with impact on water resources (section 24D and section 24E)	Approved
Controlling Provision	Decision						
Listed threatened species and communities (section 18 and section 18A)	Approved						
Unconventional gas or large coal mining development with impact on water resources (section 24D and section 24E)	Approved						
period for which the approval has effect	This approval has effect until 1 October 2064.						
final conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.						

Person authorised to make decision

name and position	Kate Gowland Branch Head Environment Assessments NSW and ACT Branch
signature	
date of decision	24 September 2024

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and management conditions

SUBSIDENCE IMPACTS

- 1) The approval holder must comply with Conditions 1 to 3 of Schedule 3 of the **NSW approval** regarding subsidence performance measures and offsetting obligations, to the extent that they relate to **protected matters**.

NSW MANAGEMENT PLANS

Extraction Plan

- 2) The approval holder must not **commence the Action**, unless a version of the Extraction Plan required under Condition 6 of Schedule 3 of the **NSW Approval**, revised to incorporate the taking of the Action and prevent significant impacts to **protected matters**, has been approved by the **NSW Planning Secretary**. The revised Extraction Plan must include the following component plans, each also revised to incorporate the Action and prevent significant impacts to **protected matters**:
 - a) Subsidence Monitoring Program
 - b) Built Features Management Plan
 - c) Water Management Plan
 - d) Biodiversity Management Plan.
- 3) The revised Extraction Plan and each of the component plans must clearly specify what measures, triggers, limits, performance measures, criteria and other details are proposed in relation to the approved Action separately from the existing Ravensworth Mine Complex operation.
- 4) The approval holder must, no later than the **commencement of the Action**, commence implementing the Extraction Plan, including the component plans referred to in condition 2, as approved by the **NSW Planning Secretary** and continue to implement the Extraction Plan and the specified component plans until the expiry date of this approval.

Water Management Plan

- 5) The approval holder must not **commence the Action** unless a version of the Water Management Plan required under Condition 23 of Schedule 3 of the **NSW Approval** revised to incorporate the Action and the prevention of significant impacts to **protected matters**, has been approved by the **NSW Planning Secretary**. The revised Water Management Plan must include a version of each of the following component plans, each also revised to incorporate the Action and the prevention of significant impacts to **protected matters**:
 - a) Site Water Balance
 - b) Erosion and Sediment Control Plan
 - c) Surface Water Management Plan
 - d) Groundwater Management Plan
 - e) Surface and Groundwater Response Plan.

- 6) The revised Water Management Plan and each of the component plans must clearly specify what measures, triggers, limits, criteria, performance measures, and other details are proposed in relation to the approved Action separately from the existing Ravensworth Mine Complex operation.
- 7) The approval holder must commence implementing the revised Water Management Plan and component plans referred to in condition 5, as approved by the **NSW Planning Secretary** no later than the **commencement of the Action** and must continue to implement these plans until the expiry date of this approval.

REHABILITATION

- 8) The approval holder must comply with Conditions 27 and 28 of Schedule 3 of the **NSW Approval** regarding rehabilitation of the **Action area** to the extent that they relate to **protected matters**.

ADAPTIVE MANAGEMENT

- 9) The approval holder must comply with Schedule 4, Condition 1 of the **NSW Approval** relating to adaptive management, to the extent that it relates to **protected matters**.

Part B – Administrative conditions

SUBMISSION AND PUBLICATION OF PLANS

- 10) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date the **plan** is approved by the **NSW Planning Secretary** as required under a **NSW Approval** condition which must be complied with in accordance with these **EPBC Act** conditions.
- 11) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans** relating to the Action.
- 12) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

MODIFICATIONS TO STATE OR TERRITORY APPROVAL

- 13) The approval holder must notify the **department** in writing of any proposed change to the **NSW Approval** that may relate to **protected matters** within 2 **business days** of formally proposing such a change and within 5 **business days** of becoming aware of any proposed change.
- 14) The approval holder must notify the **department** in writing of any change to the **NSW Approval** conditions that may relate to **protected matters**, within 5 **business days** of such a change to conditions coming into effect. Such notification must include a copy of the changed **NSW Approval** conditions showing what changes have been made.

COMMENCEMENT OF THE ACTION

- 15) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.

- 16) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

- 17) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 18) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 19) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 20) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 21) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of the next anniversary of the date of this approval decision except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

- 22) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 23) The approval holder must ensure each **compliance report** includes:
- a) accurate and complete details of compliance and any non-compliance with:
 - i) each condition imposed under the **NSW Approval**, if a condition attached to this approval decision requires compliance with that **NSW Approval** condition,
 - ii) each condition attached to this approval decision, and
 - iii) all commitments made in each **plan**,
 - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 24) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 25) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and

- b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 26) The approval holder must:
- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
 - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 27) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 28) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

Note: Compliance reports may be published on the **department's** website.

REPORTING NON-COMPLIANCE

- 29) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 30) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the **incident**,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 31) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.

- 32) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 33) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 34) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 35) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 36) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines**.
- 37) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 38) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 39) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 40) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 41) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area means the area in the map at **Attachment A** described in the legend as Action Area and shown by the black dashed line.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent three-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Biodiversity data means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in New South Wales.

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation but does not include control of specified weeds and specified fire management (see the *Australian Weeds Strategy 2017-2027*, Commonwealth of Australia 2017 for further guidance).

Commence the Action or commences the Action means the first instance of any physical activity (including **clearing** or **construction**) associated with the Action, but does not include:

- a) minor physical disturbance necessary to:
 - i) Undertake pre-clearance surveys or monitoring programs.
 - ii) Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
 - iii) Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
 - iv) Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**
 - v) undertake soil sampling or geotechnical investigations provided these only cause minor physical disturbance, will not **harm any protected matter** and are required in advance of commencement of site works, or
- b) the activities specifically excluded from the Action in the referral, being:
 - i) any use of the existing workings of the RUM completed prior to operations being placed into care and maintenance in 2014 (within or outside of the Action Area);
 - ii) initial development activities that may support the Action but do not involve ground disturbance or the removal of mature trees or shrubs, including, but is not limited to, survey and demarcation activities, salvage of Aboriginal artefacts, and installation of minor ancillary or supporting infrastructure;
 - iii) non-subsiding underground roadways and development which would be used to access the Action Area;
 - iv) use of the existing Vent Shaft 5;
 - v) construction and use of Vent Shaft 5 supporting infrastructure;
 - vi) maintenance and use of existing infrastructure including access tracks;
 - vii) development and use of new access tracks on previously cleared land;
 - viii) ongoing exploration activities approved under mining tenements issued under the NSW Mining Act 1992, including CL 380, CL 580, CCL 723, ML 1348, ML 1349, ML 1357, ML 1484, ML 1485, ML 1495 and ML 1668;

- ix) existing or proposed activities at the Ashton Coal Project, including the receipt, handling and processing of RUM coal at the Ashton Coal Handling and Processing Plant and receipt of water and gas transferred from the RUM and its management at the Ashton Coal Project;
- x) any activity associated with the Ravensworth Operations Project including activities that form part of the approved Controlled Action under the EPBC Act for the Ravensworth Operations Project (EPBC Approval 2010/5389); and
- xi) any activity associated with the Ashton Coal Project including activities that form part of the Referral for the Ashton Coal Project ('Not A Controlled Action' Decision EPBC 2001/524).

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Incident means any:

- event which has the potential to, or does, **harm** any **protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,

- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines**.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

NSW Approval means the NSW Government Modification of Development Consent for the Ravensworth Underground Mine Modification 10 – Ashton Integration made under Section 4.55(2) of the *Environmental Planning & Assessment Act 1979*, for application number DA104/96-Mod-10, approved on 6 July 2022, and any subsequent modifications to the project approved by the relevant NSW Minister or delegate administering the *Environmental Planning & Assessment Act 1979*. At the date of this decision, the NSW approval can be accessed at the following webpage address:

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=DA104/96-MOD-10%2120220706T025555.561%20GMT>

NSW Planning Secretary means the Planning Secretary as defined in the **NSW approval**.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Attachments

Attachment A – map of Action Area

LEGEND

Completed Pikes Gully Seam Workings

Existing Shaft 5 Location

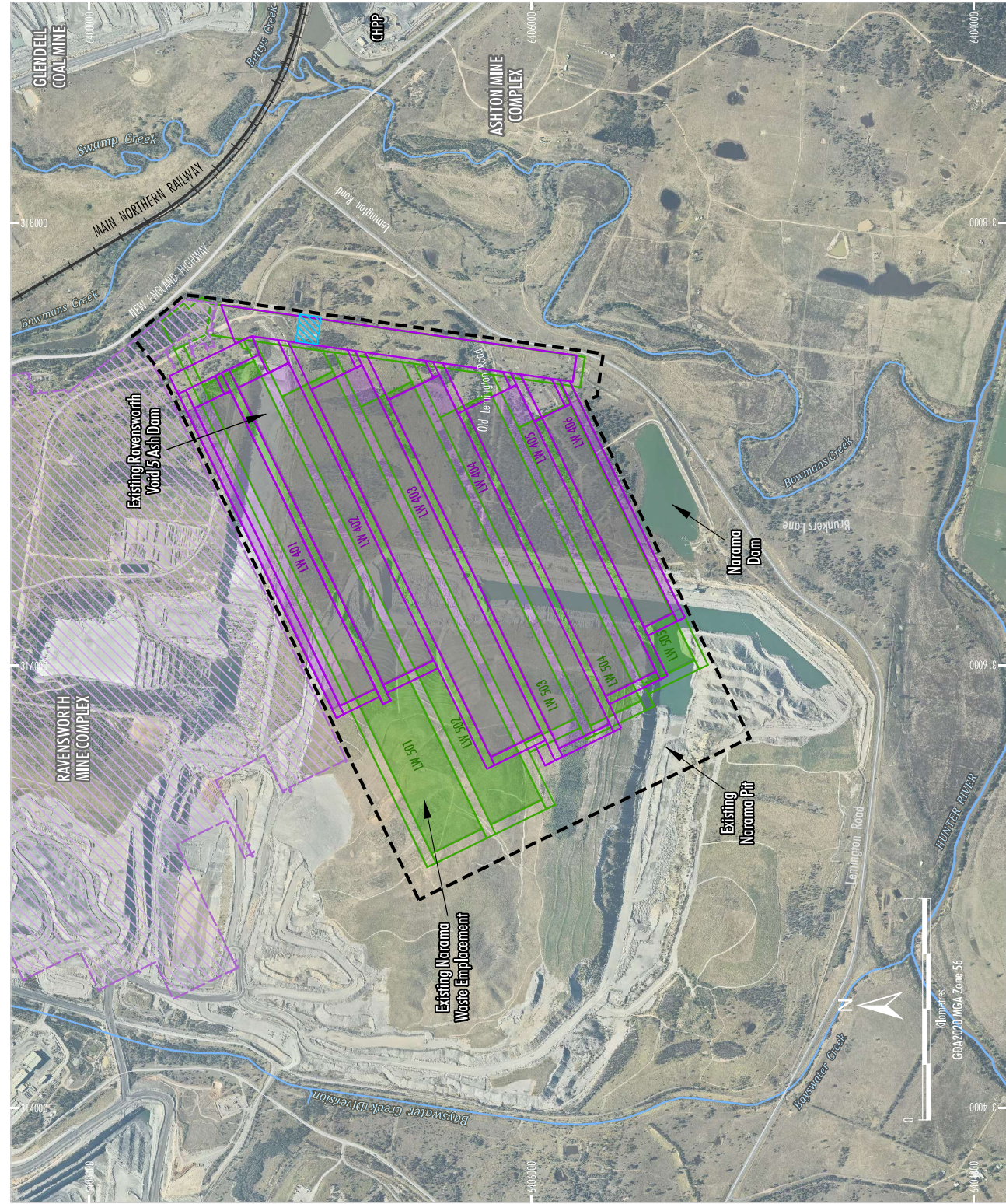
Components of the Action

Action Area

Indicative Pikes Gully Seam Longwall Layout

Indicative Middle Liddell Seam Longwall Layout

Source: SCT (2021); NSW Spatial Services (2023)
Orthophoto: Ravensworth Mine Complex (2021)



YANCOAL

阳煤集团

RAVENSWORTH UNDERGROUND MINE
PRELIMINARY DOCUMENTATION

General Arrangement

Figure 2