



Clarence Colliery Modification 7

Addition of Extraction Plan condition
State Significant Development Modification Assessment
(DA 504-00 MOD 7)

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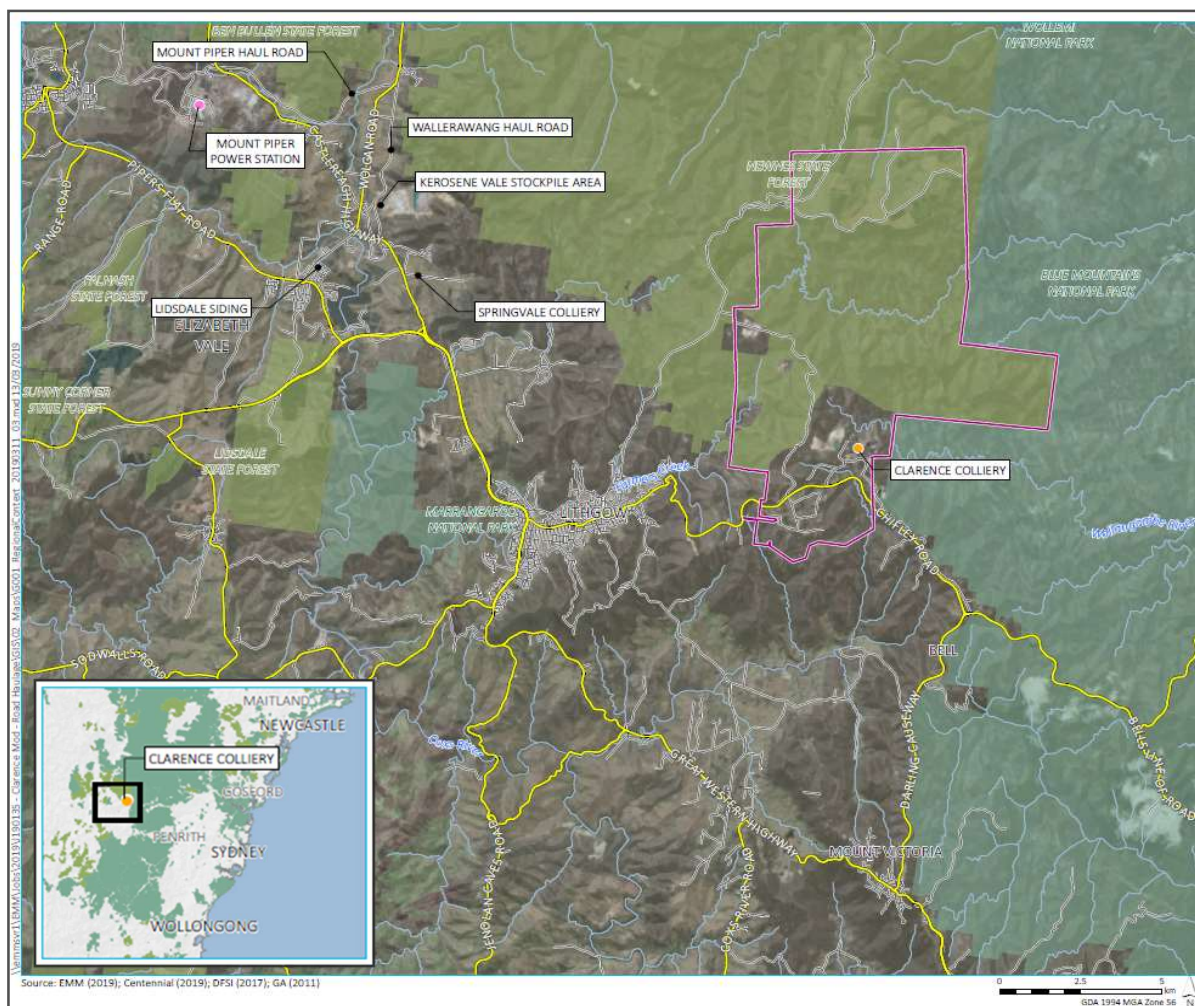
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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the consent for the Clarence Colliery (Clarence) (DA 504-00) located within the Western Coalfield of New South Wales (NSW) (see **Figure 1**).

The modification application seeks to update a condition of consent relating to Subsidence Management Plans (SMPs), to enable Extraction Plans to be lodged in areas approved for mining that are not presently covered by an approved SMP.

The application has been lodged on 15 July 2021 by Centennial Coal Company Limited (Centennial) (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).



Source: EMM, 2019. *Modification to DA 504-00 Statement of Environmental Effects*

Figure 1 | Clarence Colliery Locality

1.1 Background

Clarence is an underground coal mine located in Wiradjuri country, approximately 10 kilometres (km) east of Lithgow, in the Lithgow City Local Government Area (refer to **Figure 1**). The mine has been operating since the 1980's and is jointly owned by Centennial and SK Networks Resources Australia Pty Ltd. Centennial operates the site.

Clarence utilises bord and pillar partial extraction mining methods to extract up to three million tonnes of coal per annum (Mtpa) until 2026.

Clarence operates under three development consents approved under the EP&A Act. An interim development consent (IRM.GE.76) issued in 1976 by Blaxland Shire Council (now Lithgow City Council) for construction of surface facilities, a development consent issued by Lithgow City Council in 1994 (174/93) for underground mining, reject emplacement areas (REAs), water management and ancillary structures, and State significant development consent DA 504-00 granted by the then Minister for Planning in 2005. DA 504-00 provides for the expansion of approved mining operations into Mining Lease (ML) 1583, the processing of coal onsite, and the transport of coal by rail and road to both domestic and export markets 24 hours a day, seven days a week.

The development consent (DA 504-00) has been modified on 6 occasions (see **Table 1**).

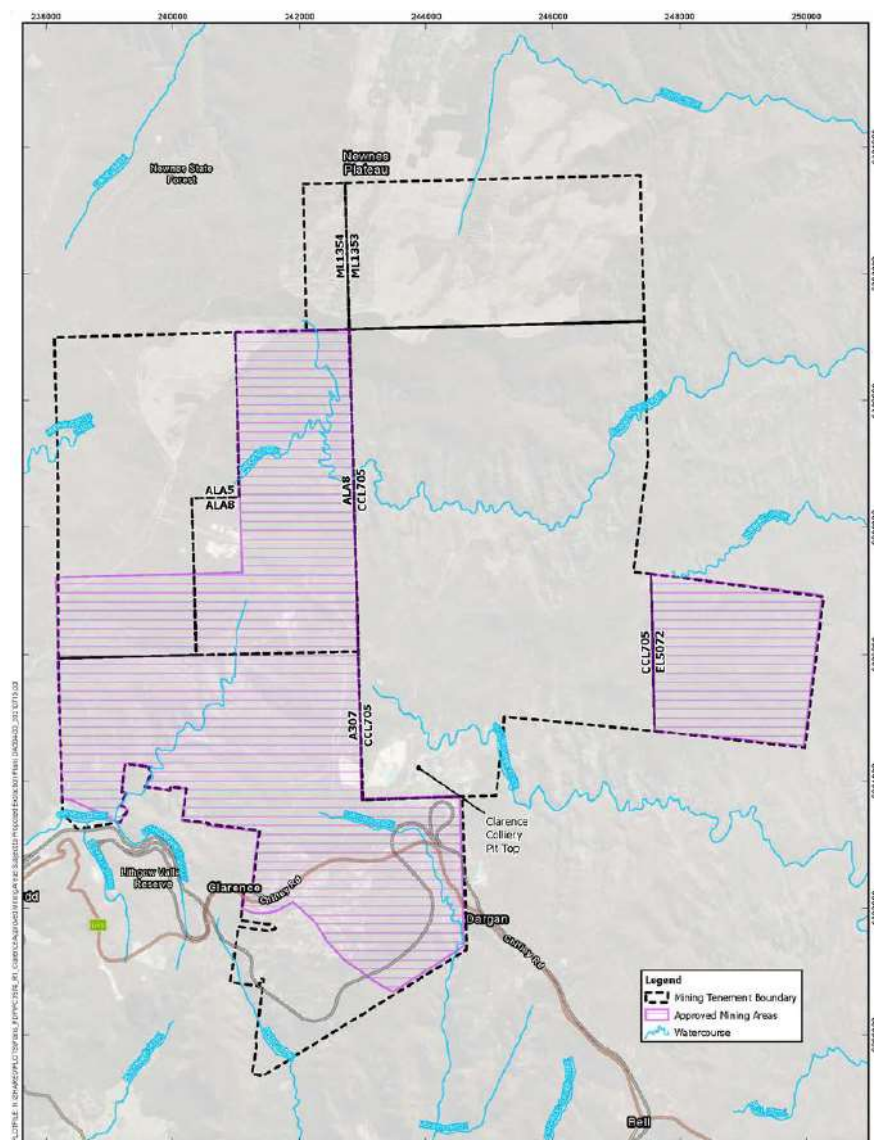
Table 1 | Summary of Modifications to DA 504-00

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Increase in the road haulage of coal products.	Minister	75W	4 July 2007
MOD 2	Establishment of REA 6 and upgrade and relocation of sewage effluent irrigation system.	Planning Assessment Commission	75W	17 June 2014
MOD 3	Changes to road haulage routes.	Planning Assessment Commission	75W	17 June 2014
MOD 4	Short term increase in road transport of coal transportation to Mount Piper Power Station.	Minister	4.55 (2)	16 August 2019
MOD 5	Increase in personnel from 300 to 400 full-time equivalent staff.	Minister	4.55 (2)	2 October 2019
MOD 6	Rail transfer of coarse coal reject material to Charbon Colliery	Minister	4.55 (2)	20 August 2021

In order to extend mining operations outside the approved SMP mining areas and into areas approved for mining under DA 504-00, the conditions of Clarence's mining leases require an approved EP be in place. The conditions of DA 504-00, however, do not provide for an EP, instead requiring a SMP be prepared. A modification to DA 504-00 is therefore required to align the requirements of the consent with those of the mining lease.

2 Proposed modification

Centennial is seeking to modify Condition 2 Schedule 3 of DA 504-00 to enable the approval of EPs within approved mining areas not presently covered by an approved SMP, while continuing to recognise existing approved SMPs. The proposed modification would apply only to the approved mining areas identified in **Figure 3**. The Department notes that the approved SMPs extend into mining areas approved under the two council consents.



Source: Centennial, 2021. Centennial Clarence Modification Report Modification 7.

Figure 3 | Approved Mining Areas to be Subject to Extraction Plan Condition

The proposed modification would align Clarence's development consent with the conditions of Centennial's mining leases and would be consistent with contemporary mining lease requirements for the regulation of mine subsidence in NSW. A full description of the proposed modification is provided in Centennial's Modification Report (see **Appendix A1**).

The Department also notes that the DA504-00 identifies areas proposed for first workings (bord and pillar mining only) and second workings (partial pillar extraction) and any submitted EPs would need to be consistent with the approved mining method.

3 Statutory context

3.1 Scope of modification

The modification application was lodged under Section 4.55(1) of the EP&A Act, relating to modifications involving minor errors, misdescription or miscalculations.

The Department has reviewed the scope of the modification and is satisfied that it is within the scope of section 4.55(1) of the EP&A Act, as the proposed modification seeks to make an administrative update to a consent condition to reflect contemporary subsidence management processes. The proposed modification will not change the nature, scale or impacts of the approved development.

The Department is satisfied the proposed modification is within the scope of section 4.55(1) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Director Resource Assessments, may determine the applications as Centennial did not make any political donations and there were no objections to the application.

4 Engagement

Under the *Environmental Planning and Assessment Regulation 2000*, a modification application under section 4.55(1) is not required to be publicly exhibited. Notwithstanding, the Department made the modification application available on its website from 25 August 2021 and referred the application to the NSW Resources Regulator. No public submissions were received regarding the proposed modification.

The Resources Regulator had no objections to the modification and requested to review the draft conditions to ensure that operations approved under the existing Subsidence Management Plans continue to be enforceable until operations transition to being regulated under the Extraction Plan condition. The Resources Regulator confirmed it was satisfied with the draft conditions on 11 October 2021 and recommended an update to the existing rehabilitation condition to align with the *Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation) Regulation 2021*. Agency comments on the proposed modification are provided as **Appendix A2**.

5 Assessment

In assessing the merits of the proposed modification, the Department has considered the existing development consent, previous environmental assessments for the project, including modifications, the modification application, applicable government policies and guidelines, agency advice and requirements of the EP&A Act.

The Department has considered whether the proposed changes would result in any material increase in the environmental impacts of the project.

The proposed modification involves an administrative update to a condition of consent to allow EPs to be assessed and approved for mining areas not covered by an approved SMP, while also continuing to recognise existing approved SMP's. This administrative update will ensure that the consent reflects the current regulatory framework for the management of subsidence in NSW. The modification would not permit mining to occur in any new locations that are not already approved for mining under DA 504-00.

The Department considers it appropriate to amend Condition 2 Schedule 3 of DA 504-00 to reflect contemporary subsidence management requirements.

The Department is satisfied that the modification would not result in any impacts beyond those that were assessed and approved under the existing approval.

6 Evaluation

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the modification application and modification report lodged by Centennial, documentation relating to the approved project and agency advice.

The Department considers that the proposed modification is appropriate, as:

- the administrative update to conditions will ensure that the consent reflects the current regulatory framework for the management of subsidence in NSW; and
- the proposed modification would not result in any impacts beyond those that were assessed and approved under the existing consent.

Consequently, the Department is satisfied that the proposed modification is in the public interest and should be approved.

The Department has drafted a Notice of Modification (see **Appendix B**) and a consolidated version of the development consent as modified (see **Appendix C**).

7 Determination

It is recommended that the Director Resource Assessment, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application DA 504-00 MOD 7 falls within the scope of section 4.55(1) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent DA 504-00
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



11/10/2021

Gabrielle Allan

Principal Planning Officer
Resource Assessments

The recommendation is **Adopted** by:



11/10/2021

Stephen O'Donoghue

Director - Resource Assessments
as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

A1 – Modification Report: Refer to folder “Modification Application” on the Department’s website at <https://www.planningportal.nsw.gov.au/major-projects/project/42181>

A2 – Agency Advice: Refer to folder “Agency Advice” on the Department’s website at <https://www.planningportal.nsw.gov.au/major-projects/project/42181>

Appendix B – Notice of modification

See the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42181>

Appendix C – Consolidated consent

See the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42181>