

Modification of Development Consent

Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, 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
Department of Planning Industry and Environment

Sydney 11 October 2021

SCHEDULE 1

Development consent:	DA 504-00 granted by the Minister for Planning on 19 December 2005.
For the following:	The development consent for the extension of the Clarence Underground Coal Mine.
Applicant:	Centennial Coal Company Limited
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Clarence Colliery
	Refer to Appendix 1 of DA 504-00.
Modification:	Addition of Extraction Plan condition.

SCHEDULE 2

1. In the definition of “EIS” in Schedule 1:

- (a) delete the word “and” at the end of the fifth bullet point; and
- (b) after the last bullet point, delete the full stop and insert:

; and

- Modification 7 – *Centennial Clarence Colliery Modification Report Modification 7*, dated July 2021.

2. In the list of “Definitions” in Schedule 1, add the following in alphabetical order:

Second workings Extraction of coal by partial extraction methods

3. Delete condition 2 in Schedule 3, including the heading, and replace with the following:

Extraction Plan

2. From 31 October 2021, the Applicant must prepare an Extraction Plan for all second workings on the site of the development that are not covered by an existing approved Subsidence Management Plan, to the satisfaction of the Secretary. Each Extraction Plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the Resources Regulator, DPIE Water, BCS, EPA and WaterNSW;
- (c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;
- (d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;
- (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;
- (f) describe in detail the performance indicators to be implemented to ensure compliance with the subsidence impact assessment criteria in Table 1 and water resources impact assessment criteria in condition 5 schedule 3, and manage or remediate any impacts and/or environmental consequences;
- (g) include a:
 - (i) **Subsidence Monitoring Program** which has been prepared in consultation with the Resources Regulator to:
 - describe the ongoing conventional and non-conventional subsidence monitoring program;
 - provide data to assist with the management of risks associated with conventional and non-conventional subsidence;
 - validate the conventional and non-conventional subsidence predictions;
 - analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - inform the adaptive management process;
 - (ii) **Built Features Management Plan** which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features;
 - (iii) **Water Management Plan** which has been prepared in consultation with DPIE Water and BCS, which provides for the management of potential impacts and

environmental consequences of the proposed underground workings on watercourses and aquifers, including:

- detailed baseline data on:
 - surface water flows, quality and geomorphic conditions of watercourses and/or water bodies that could be affected by subsidence; and
 - groundwater levels, yield and quality in the region, including for privately-owned licensed bores;
- detailed surface and groundwater impact assessment criteria, including specific trigger levels for:
 - investigating any potentially adverse impacts on water resources or water quality;
 - active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and
 - providing compensatory water supply to affected water users;
- a surface water monitoring program to monitor and report on:
 - stream flows and quality;
 - stream and riparian vegetation;
 - channel and bank stability; and
 - the effectiveness of remediation measures in controlling geomorphic and erosional impacts;
- a groundwater monitoring program to monitor and report on:
 - groundwater inflows to the underground mining operations;
 - the height of groundwater depressurisation;
 - height of fracturing above extraction areas following mining;
 - background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site;
 - permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and
 - impacts of the development on groundwater dependent ecosystems;
- a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat;
- a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and
- a plan to respond to any exceedances of the surface water and groundwater assessment criteria.

(iv) **Biodiversity Management Plan** which:

- has been prepared in consultation with BCS;
- establishes baseline data for existing habitat within the subsidence area, including water table depth, vegetation condition, stream morphology, key fish habitat and threatened species habitat; and
- provides for the adaptive management of potential impacts and environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs/CEECs and water dependent ecosystems;

(v) **Land Management Plan** which:

- has been prepared in consultation with any affected public authorities;
- provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on cliffs, pagodas, steep slopes and gorges;

(vi) **Heritage Management Plan** which:

- has been prepared in consultation with Heritage NSW, Council and relevant stakeholders for both Aboriginal heritage and non-Aboriginal heritage items;

- includes a pre-mining assessment of the condition and structure of heritage items within the subsidence area;
- describes the measures to be implemented to:
 - protect, monitor and manage potential environmental consequences of the proposed second workings on identified heritage items;
 - manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; and
 - facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage sites within the subsidence area;
- (vii) **Public Safety Management Plan** which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;
- (viii) **Trigger Action Response Plan/s**, which contain:
 - appropriate triggers to warn of increased risk of exceedance of any performance measure;
 - specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded;
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and
 - adaptive management where monitoring indicates that there has been an exceedance of any impact assessment criteria in Table 1 or condition 5, or where any such exceedance appears likely; and
- (ix) **Contingency Plan** that expressly provides for:
 - adaptive management where monitoring indicates that there has been an exceedance of any impact assessment criteria in Table 1 or condition 5, or where any such exceedance appears likely;
 - an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;
- (h) propose appropriate revisions to the Rehabilitation Plan required under condition 29 schedule 3; and
- (i) include a program to collect sufficient baseline data for future Extraction Plans.

Notes:

- *This condition does not apply to second workings which are covered by an approved Subsidence Management Plan.*
- *The preparation and implementation of Extraction Plans may be staged with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.*

2A. The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.

2B. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

4. Delete condition 29 in Schedule 3 and replace with:

29. The Proponent shall prepare and implement a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.

**End of modification
(DA 504-00 MOD 7)**