

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, the Planning Assessment Commission (the Commission) modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2011

SCHEDULE 1

The Project Approval (06_0021) for the Angus Place Coal Project, granted by the Minister for Planning on 13 September 2006.

SCHEDULE 2

1. In the list of DEFINITIONS, delete “DEC - Department of Environment and Conservation”, “Department – Department of Planning”, “Director-General – Director-General of the Department of Planning, or delegate”, “DPI – Department of Primary Industries”, “EA – Environmental Assessment”, “Land – Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this approval”, “Minister – Minister for Planning, or delegate”, “SMP – Subsidence Management Plan” and insert the following in alphabetical order:

Adaptive management	Adaptive management includes monitoring subsidence effects and impacts and, based on the results, modifying the mine plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within the predicted and/or designated ranges
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; and any pipeline, water, sewer, telephone, gas or other service main
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department, or delegate
DRE	Division of Resources and Energy (within the Department of Trade and Investment, Regional Infrastructure and Services)
EA	Environmental Assessment titled <i>Angus Place Colliery Proposed Mining and Coal Transport</i> , dated January 2006; the associated <i>Response to DEC Submission</i> , dated 8 March 2006 and the associated <i>Angus Place – Response to Submissions</i> , dated 31 March 2006
EA – Mod 1	Environmental Assessment titled <i>Angus Place Colliery, NSW Modification of Project Approval 06_0021 under Section 75W, Part 3A</i> , prepared by RPS and dated November 2010 and the associated <i>Response to Submissions</i> , prepared by Centennial Coal and dated April 2011, including its letter of clarification dated 23 May 2011 and the revised Statement of Commitments (see also Appendix 4)
Environmental consequences	Environmental consequences of Subsidence Impacts, including: damage to infrastructure, buildings and residential dwellings; loss of surface flows to the subsurface; loss of standing pools; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock

Executive Director Mineral Resources	falls; damage to Aboriginal heritage sites; impacts on aquatic ecology; ponding; etc The Executive Director Mineral Resources (or the equivalent position) in the DRE
Existing strategies, plans or programs	Any strategy, plan or program described as existing in the EA referenced in condition 2(c) of schedule 2.
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
First Workings	Development of main headings, longwall gate roads, related cut throughs and the like.
Land	In general, the definition of land is consistent with the definition in the EP&A Act. However, in relation to the noise and air quality conditions in Schedules 3 and 4 it means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning and Infrastructure, or delegate
Minor	Small in quantity, size and degree given the relative context
Mitigation	Activities associated with reducing impacts of the project
Modification 1	Modification application 06_0021 MOD 1
Mod 1 Statement of Commitments	The Proponent's commitments for the implementation of Modification 1, as set out in Appendix 4
Negligible	Small and unimportant, such as to be not worth considering
OEH	Office of Environment and Heritage
Project	The project described in the EAs listed in condition 2 of schedule 2
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Reasonable costs	The costs agreed between the Department and the Proponent for obtaining independent experts to review the adequacy of any aspects of an extraction plan
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non polluting environment, including the remediation of impacts
Safe, serviceable & repairable	Safe means no danger to users who are present, serviceable means available for its intended use, and repairable means damaged components can be repaired economically
Second Workings	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
Subsidence	The totality of subsidence effects and impacts and their associated environmental consequences
Subsidence effects	Deformation of the ground mass due to mining, being all mining-induced ground movements, including both vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by Subsidence Effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs

2. Delete all references to "DEC" and replace with "OEH".
3. Delete all references to "DPI", and replace with "DRE".
4. Amend the Table of Contents to reflect the changes brought into effect by this Notice of Modification.
5. Delete condition 2 of schedule 2, and replace with;
 2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) EA – Mod 1;
 - (c) Mod 1 Statement of Commitments; and
 - (d) conditions of this approval.

Notes: The general layout of the project is shown in Appendix 2.

6. Delete conditions 3 and 4 of schedule 2 and replace with:

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these documents.
7. In condition 6 of schedule 2, delete "3.5" and replace with "4.0", and delete "a year" and replace with "per calendar year".
8. After condition 12 of schedule 2, insert the following:
 13. Within six months of the approval of Modification 1, the Proponent shall enter into a Voluntary Planning Agreement with Council to pay Council \$68,000 for expenditure on local Lidsdale projects, in accordance with Centennial's formal letter of offer to Council, dated 4 May 2011.

Continuation of Existing Management Plans

14. The Proponent shall continue to implement existing strategies, plans or programs that apply to existing activities on the site until they are replaced by an equivalent strategy, plan or program approved under this approval.
9. Delete condition 3 of schedule 3 and associated heading and note and replace with:

Performance Measures – Natural and Heritage Features, etc

3. The Proponent shall ensure that underground mining does not cause any exceedances of the performance measures in Table 1A, to the satisfaction of the Director-General.

Table 1A: Subsidence Impact Performance Measures

Water	
Natural watercourses.	No greater environmental consequences than predicted in EA – Mod 1.
Biodiversity	
Threatened species, populations or their habitats; endangered ecological communities, including Newnes Plateau Shrub Swamps.	Negligible environmental consequences.
Land	
Cliffs and pagodas.	Negligible subsidence impacts and environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 0.5% of the total face area of cliffs or pagodas within any longwall mining domain).
Forestry operations.	As specified or agreed by Forests NSW.
Aboriginal heritage features	
Sites that may be determined to hold "special significance" as a result of studies required for extraction plans.	Negligible subsidence impacts or environmental consequences.
Other Aboriginal heritage sites	Less than 10% of Aboriginal heritage sites subject to subsidence effects from LW 910 and LW 900W are affected by subsidence impacts.

Notes:

- 1) The Proponent will be required to define more detailed performance indicators for each of these performance measures in the various management plans that are required under this approval (see condition 3C(g) below).
- 2) The requirements of this condition only apply to the impacts and consequences of mining operations undertaken pursuant to the approval of Modification 1.

- 3A. The Proponent shall ensure that underground mining does not cause any exceedances of the performance measures in Table 1B, to the satisfaction of the Executive Director Mineral Resources.

Table 1B: Subsidence Impact Performance Measures

Built features	
66 kV transmission line.	Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired, unless the owner agrees otherwise in writing.
Other built features, including powerlines, forest access roads and tracks, water pipelines and other public infrastructure.	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repaired or replaced, or else fully compensated.
Public safety	
Public safety	No additional risk.

Notes:

- 1) *The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans (see condition 3C(g) below).*
 - 2) *The requirements of this condition only apply to the impacts and consequences of mining operations undertaken pursuant to the approval of Modification 1.*
 - 3) *Requirements regarding "safe" or "serviceable" do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.*
 - 4) *Compensation required under this condition includes any compensation payable under the Mine Subsidence Compensation Act 1961 and/or the Mining Act 1992.*
- 3B. Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 1B is to be settled by the Executive Director Mineral Resources. The Executive Director Mineral Resources may seek the advice of the Mine Subsidence Board on the matter. Any decision by the Executive Director Mineral Resources shall be final and not subject to further dispute resolution under this approval.

Extraction Plans

- 3C. The Proponent shall prepare and implement Extraction Plan/s for second workings in longwalls 910 and 900W to the satisfaction of the Director-General. Each Extraction Plan must:
- (a) be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
 - (b) be approved by the Director-General before the Proponent carries out any of the second workings covered by the plan;
 - (c) include detailed plans of existing and proposed first and second workings and any associated surface development;
 - (d) include detailed performance indicators for each of the performance measures in Tables 1A and 1B;
 - (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;
 - (f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 1A and 1B, and remediate any impacts and/or environmental consequences;
 - (g) include the following to the satisfaction of the Executive Director Mineral Resources:
 - a Coal Resource Recovery Plan that demonstrates effective recovery of the available resource;
 - a Subsidence Monitoring and Reporting Program to:
 - provide data to assist with the management of the risks associated with subsidence;
 - validate the subsidence predictions;
 - analyse the relationship between the subsidence effects and impacts under the plan and any ensuing environmental consequences; and
 - report the outcomes of collected subsidence monitoring data and the analysis of that data;
 - a Built Features Management Plan, which has been prepared in consultation with the owner/s of potentially affected feature/s, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings;
 - a Public Safety Management Plan to ensure that mining-related activities do not impact public safety in the mining area; and

- appropriate revisions to the Rehabilitation Management Plan required under condition 37; and
- (h) include:
 - appropriate revisions to the Site Water Management Plan required by conditions 8-13, which has been prepared in consultation with OEH, SCA and NOW, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources and groundwater resources;
 - appropriate revisions to the Flora and Fauna Management Plan required by condition 24, which has been prepared in consultation with OEH and DRE, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna;
 - a Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general;
 - a Heritage Management Plan, which has been prepared in consultation with OEH and relevant stakeholders for Aboriginal heritage, to manage the potential environmental consequences of the proposed second workings on Aboriginal heritage sites or values; and
- (i) include a program to collect sufficient baseline data for future Extraction Plans.

Note: A Subsidence Management Plan approved by DRE prior to 31 March 2012 is taken to satisfy the requirements of this condition.

- 3D. The Proponent shall ensure that the management plans required under conditions 8-13, 24, 36 and 37 include:
- (a) an assessment of the potential environmental consequences of the impacts identified in the Extraction Plan, incorporating any relevant information that has been obtained since this approval;
 - (b) a detailed description of the measures that would be implemented to remediate predicted impacts; and
 - (c) a contingency plan that expressly provides for adaptive management.

First Workings

- 3E. The Proponent may carry out first workings within the underground mining area, other than in accordance with an approved extraction plan, provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.

Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.

Payment of Reasonable Costs

- 3F. The Proponent shall pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of an Extraction Plan.
10. Following condition 11 of schedule 3 insert the following:
- 11A. The Proponent shall revise the Surface Water Monitoring Program to provide for the establishment by 31 October 2011 of a program for investigating and monitoring water quality and aquatic ecosystems in the Kangaroo Creek / Cocks River system upstream and downstream of the project's licensed water discharge points, in consultation with OEH and SCA and to the satisfaction of the Director-General.
- 11B. By 31 October 2012, the Proponent shall report on this program of investigations and propose:
- (a) water quality criteria to be applied to any groundwater (minewater) discharged from the mine to the Kangaroo Creek / Cocks River catchment that will protect water quality and aquatic ecosystems within the catchment, having appropriate regard to relevant ANZECC water quality guidelines and SCA's "neutral or beneficial impact" test;
 - (b) measures to treat, transfer or re-use any groundwater (minewater) that does not meet these criteria; and
 - (c) a timeline to implement these measures, to the satisfaction of the Director-General.

11. Delete condition 28 of schedule 3 and replace with:

28. The Proponent shall:

- (a) in accordance with Council's parking codes, provide sufficient vehicle parking on-site for all project and visitor-related traffic;
 - (b) within 6 months of the approval of Modification 1, provide a sealed car park of a minimum of 40 parking spaces on-site to the west of Wolgan Road and additional signage directing contractors to this car park,
- in consultation with Council and to the satisfaction of the Director-General.

12. Following condition 36 of schedule 3 insert the following:

REHABILITATION

37. The Proponent shall prepare and implement a Rehabilitation Management Plan for the project, to the satisfaction of the Director-General and Executive Director Mineral Resources. This plan must be:

- (a) submitted to the Director-General for approval prior to the commencement of secondary extraction in either of longwalls 900W or 910;
- (b) prepared in consultation with DRE, Forests NSW, OEH, NOW, SCA and Council; and
- (c) prepared in accordance with the relevant DRE guideline.

13. Delete schedule 5 and replace with:

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:

- (a) be submitted for approval to the Director-General within 6 months of this approval;
- (b) provide the strategic framework for the environmental management of the project;
- (c) identify the statutory approvals that apply to the project;
- (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
- (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - respond to emergencies; and
- (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this approval; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:

- (a) detailed baseline data;
- (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
- (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
- (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see c above);

- (e) a contingency plan to manage any unpredicted impacts and their consequences;
- (f) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
- (g) a protocol for periodic review of the plan.

Annual Review

3. By the end of December 2012, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA;
 - (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;
 - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

4. Within 3 months of:
 - (a) the submission of an annual review under Condition 3 above;
 - (b) the submission of an incident report under Condition 6 below;
 - (c) the submission of an audit under Condition 8 below; and
 - (d) any modification to the conditions of this approval (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

Community Consultative Committee

5. The Proponent shall maintain and operate a Community Consultative Committee (CCC) for the project in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General.

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval;*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community; and*
- *With the approval of the Director-General, this CCC may be combined with other CCCs operated by the Proponent in the area.*

REPORTING

Incident Reporting

6. The Proponent shall notify the Director-General and any other relevant agencies of any incident caused or contributed to by the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

Regular Reporting

7. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.

INDEPENDENT ENVIRONMENTAL AUDIT

8. Prior to 31 December 2013, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); and
- (d) recommend appropriate measures or actions to improve the environmental performance and rehabilitation of the project while on care and maintenance or following mine closure.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

10. Prior to 31 December 2011, the Proponent shall:

- (a) make copies of the following publicly available on its website:
 - the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the documents referred to in condition 2 of schedule 2;
 - all relevant statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - the annual reviews required under this approval;
 - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
- (b) keep this information up-to-date, to the satisfaction of the Director-General.

14. In Appendix 1, add the following to the Schedule of Project Land:

LOTS WITHIN COLLIERY HOLDING

Lot	DP
359	44086
2	732119
1	732119
2	860363
3	545089
29	827626
1	651723
1	597541
700	1067040
1	825124
1	568265
2	1139982
1	1139982
4	1139982
3	1139982
2	722335
7006	1055080
5	115922
101	1033592
40	751636
7003	1026540
11	751636
100	1033592
52	751636
7001	1055079
7318	1149348
7300	1139065

KEROSENE VALE STOCKPILE AREA

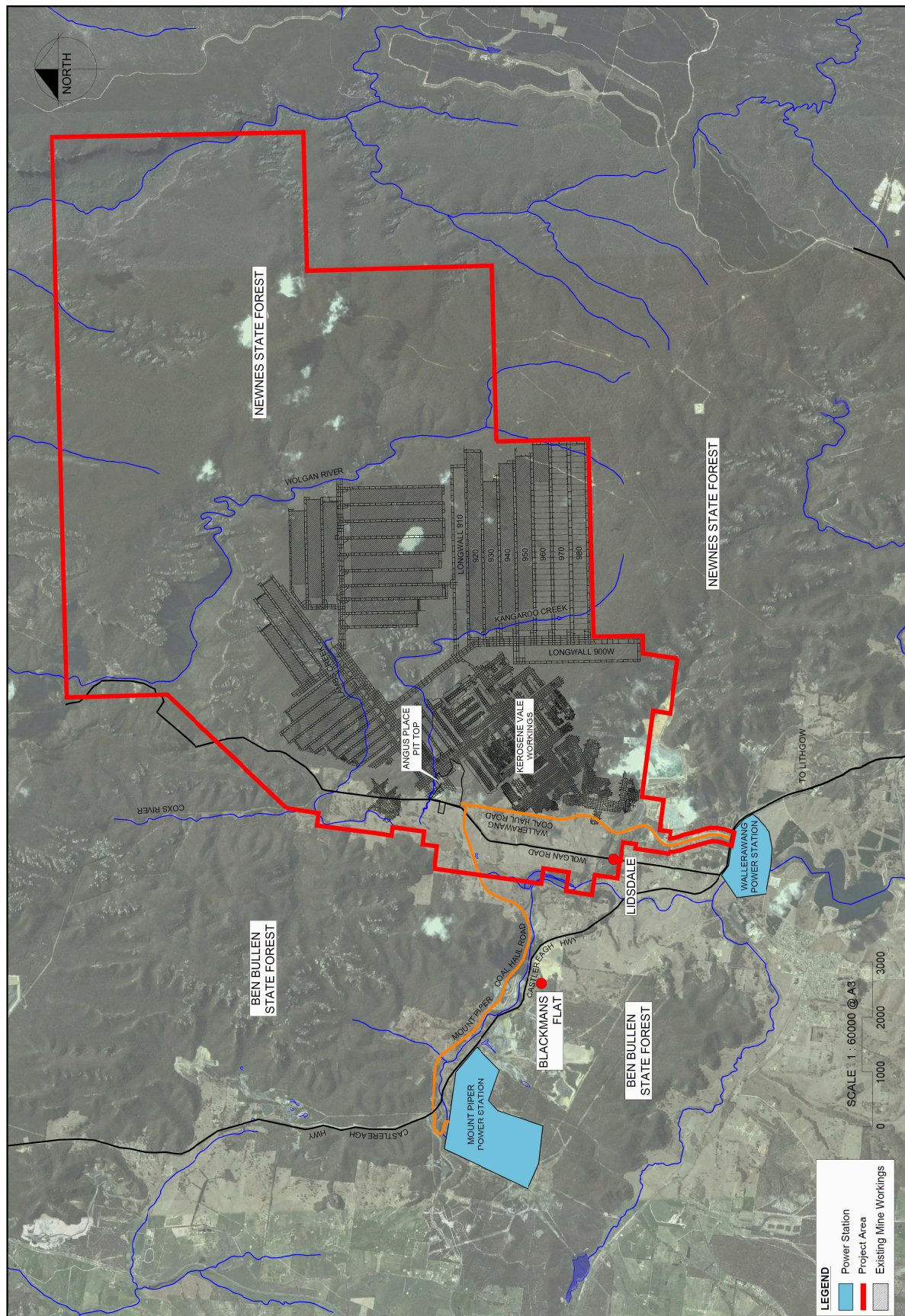
Lot	DP
4	1139982
1	386554
1	1139982
2	1139982

Parts of Ben Bullen State Forest
Parts of Newnes State Forest

MINING AUTHORITIES

Consolidated Coal Lease 704
Mining Lease 1424
Sublease Area of Consolidated Coal Lease 702
Part lease transfer ML1326
Exploration Licence 6856
Exploration Licence 6293

15. Delete the figure from Appendix 2 and replace with the following:



16. Following Appendix 3, insert the following:

**APPENDIX 4
MOD 1 STATEMENT OF COMMITMENTS**

Desired Outcome	Action
1. Rehabilitation	
To ensure that any land disturbed due to exploration or mining activities is rehabilitated to an appropriate standard.	A Rehabilitation Strategy as set out in Appendix 7.6 and revised in relation to the measures identified for the rehabilitation of areas of construction for the dewatering bore at Longwall 910 and its associated infrastructure that have been withdrawn from the proposals of the EA will be developed for approval by the Director-General I&I NSW prior to commencement of Longwalls 910 and 900 west and within 12 months of the approval.
2.Cultural Heritage	
To minimise impacts on aboriginal heritage.	Within 6 months of obtaining approval, the Environmental Management Plan will be revised to require ongoing liaison with Aboriginal Community as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 during the proposed works, should any matters relating to Aboriginal heritage occur.
3.Surface Water	
To improve understanding of water quality impacts from approved license discharge points on the receiving environment.	- Within 6 months of obtaining approval review the Site Water Management Plan that takes into account mitigation measures identified in Appendix 7.3 Surface Water Assessment. - Continue to assess the wider catchment areas and specific downstream influences of approved licensed discharge points. Angus Place has extended its current aquatic monitoring suite aiming to achieve ANZECC trigger levels for high risk parameters.
4. General	
To ensure the existing management plans, procedures and protocols are reviewed to include the measures identified in Table 6.1.	Within 6 months of obtaining approval relevant management plans (Table 6.1) will be reviewed and updated as required.
To ensure the proper and orderly management of car parking during operations.	- Within 6 months of approval the formalisation of the western car park in accordance with AS2890.1:2004 will be investigated and constructed to provide a minimum of 40 car parking spaces. - In consultation with Lithgow City Council, additional signage will be installed to direct contractors to the contractor car park within 6 months of obtaining approval.
To confirm that the 910 dewatering bore and its associated infrastructure (new track, widening of track, powerline and pipeline) are withdrawn from the proposed modifications.	Approval for the dewatering bore at Longwall 910 and its associated infrastructure (new track, widening of track, powerline and pipeline) is no longer sought by Centennial.