

Project Approval

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

I, the Minister for Planning, approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the project.

Frank Sartor MP
Minister for Planning

Signed by Minister Sartor 13 September 2006

Sydney

2006

File No: 9038493

SCHEDULE 1

Project Application:

06_0021

Applicant:

Centennial Angus Place Pty Limited

Approval Authority:

Minister for Planning

Land:

See Appendix 1

Project:

Angus Place Coal Project

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
06_0021 MOD 1	29 August 2011	Planning Assessment Commission	Longwalls 900W and 910
06_0021 MOD 2	22 April 2013	Planning Assessment Commission	Ventilation facility
06_0021 MOD 3	9 December 2013	Planning Assessment Commission	Extension of longwalls 980 and 900W
06_0021 MOD 4	27 October 2014	Planning Assessment Commission	Development continuity
06_0021 MOD 5	14 September 2018	A/Executive Director – Resource Assessments and Business Systems	Water management
06_0021 MOD 6	19 March 2021	Director – Resource Assessments	Water transfer system and water softening plant
06_0021 MOD 7	25 November 2022	Director – Resource Assessments	Rehabilitation reforms

CONSOLIDATED CONSENT

DEFINITIONS

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
Applicant	Centennial Angus Place Pty Limited, or its successors in title
Annual Review	The Annual Review of operations, as required under condition 3 of schedule 5
BCA	Building Code of Australia
BCD	Biodiversity and Conservation Division, within the Department
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
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
CCC	Community Consultative Committee
CEF	Community Enhancement Fund
CEMP	Construction Environmental Management Plan
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Council	Lithgow City Council
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Department	Department of Planning and Environment
DPE Water	Water Group, within the Department
EA	<p>Project application 06_0021 and supporting documentation:</p> <ul style="list-style-type: none">• Environmental Assessment titled <i>Angus Place Colliery Proposed Mining and Coal Transport</i>, dated January 2006;• <i>Response to DEC Submission</i>, dated 8 March 2006; and• <i>Angus Place – Response to Submissions</i>, dated 31 March 2006; as amended by:<ul style="list-style-type: none">○ Modification application 06_0021 Mod 1 and supporting documentation:<ul style="list-style-type: none">- 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- <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○ Modification application 06_0021 Mod 2 and supporting documentation:<ul style="list-style-type: none">- Environmental Assessment titled <i>Environmental Assessment Angus Place Colliery, Ventilation Facility Project: Modification 2 of Project Approval 06_0021</i>, dated October 2012; and- <i>Response to Submissions</i>, dated December 2012○ Modification application 06_0021 Mod 3 detailed in the letter entitled <i>S75W Modification Application to PA_0021 for Longwall 980 and 900W</i>, dated 31 October 2013, including the attachments;○ Modification application 06_0021 Mod 4 and supporting documentation:<ul style="list-style-type: none">- Environmental Assessment titled <i>Environmental Assessment Angus Place Colliery Development Continuity Project Section 75W Modification to Project Approval PA06_0021</i> and dated May 2014;○ Modification application 06_0021 Mod 5 and supporting documentation:<ul style="list-style-type: none">- Environmental Assessment titled <i>Environmental Assessment Angus Place Colliery Water Treatment Project Section 75W Modification to Project Approval PA06_0021</i> and dated May 2018;

CONSOLIDATED CONSENT

	<ul style="list-style-type: none"> - <i>Response to Submissions</i>, dated July 2018; o Modification application 06_0021 Mod 6 and supporting documentation: <ul style="list-style-type: none"> - Modification Report titled <i>Angus Place Coal Project (MP_06_0021) and Springvale Water Treatment Project (SSD 7592) Modification 6 – Modification Report</i> dated November 2020; - associated <i>Submissions Report</i> (undated); and - additional information dated 8 February 2021, 23 February 2021 and 12 March 2021; o Modification application 06_0021 Mod 7 and supporting documentation: <ul style="list-style-type: none"> - Modification report titled "<i>Centennial Administrative Modification to Align Development Consent Conditions with Contemporary Requirements under the Mining Act 1992</i>" (dated 22 August 2022).
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 falls; damage to Aboriginal heritage sites; impacts on aquatic ecology; ponding; etc
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	Evening is defined as the period from 6pm to 10pm
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
Heritage NSW	Heritage NSW, within the Department
ICNG	Interim Construction Noise Guideline (DECC 2009)
Incident	<p>A set of circumstances that:</p> <ul style="list-style-type: none"> • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this approval
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
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Minor	Small in quantity, size and degree given the relative context
Mitigation	Activities associated with reducing impacts of the project
ML	Megalitre
Modification 1	Modification application 06_0021 MOD 1
Mod 1 Statement of Commitments	The Applicant's commitments for the implementation of Modification 1, as set out in Appendix 4
Mod 2 Statement of Commitments	The Applicant's commitments for the implementation of Mod 2, as set out in Appendix 6
Mod 4 Statement of Commitments	The Applicant's commitments for the implementation of Mod 4, as set out in Appendix 7
Negligible	Small and unimportant, such as not worth considering
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
Privately-owned land	Land that is not owned by a public agency, or a mining company or its subsidiary
Project	The project described in the EA
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

CONSOLIDATED CONSENT

Reasonable costs	The costs agreed between the Department and the Applicant 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
ROM	Run-of-mine
RR	NSW Resources Regulator
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
Secretary	The Secretary of the Department, or nominee
Site	Land to which the project application applies, including any land subject to an existing consent for the Angus Place Coal Mine
SMP	Subsidence Management Plan
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
Trial Mining Area	The Trial Mining Area as shown in Appendix 5
Water Softening Plant	Water Softening Plant, as shown in Appendix 2B
Water Transfer Pipeline	Angus Place to Mount Piper Power Station Water Transfer Pipeline as shown in Appendix 2A

TABLE OF CONTENTS

SCHEDULE 2	7
ADMINISTRATIVE CONDITIONS	7
SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS	9
ACQUISITION UPON REQUEST	9
SUBSIDENCE	9
SURFACE AND GROUND WATER	11
AIR QUALITY	13
NOISE	14
METEOROLOGICAL MONITORING	15
FAUNA AND FLORA	16
TRAFFIC AND TRANSPORT	16
VISUAL IMPACT	17
GREENHOUSE GAS	17
WASTE MINIMISATION	17
HAZARDS MANAGEMENT	18
BUSHFIRE MANAGEMENT	18
MINE CLOSURE STRATEGY	18
REHABILITATION	18
CONSTRUCTION	19
SCHEDULE 4 - ADDITIONAL PROCEDURES	21
NOTIFICATION OF LANDOWNERS	21
INDEPENDENT REVIEW	21
LAND ACQUISITION	22
SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	23
ENVIRONMENTAL MANAGEMENT	23
REPORTING	24
INDEPENDENT ENVIRONMENTAL AUDIT	24
ACCESS TO INFORMATION	24
APPENDIX 1 - SCHEDULE OF LAND	26
APPENDIX 2 - ANGUS PLACE COAL PROJECT PLAN	28
APPENDIX 2A – ANGUS PLACE TO MOUNT PIPER POWER STATION PIPELINE	29
APPENDIX 2B – WATER SOFTENING PLANT	30
APPENDIX 3 - INDEPENDENT DISPUTE RESOLUTION PROCESS	31
APPENDIX 4 - MOD 1 STATEMENT OF COMMITMENTS	32
APPENDIX 5 - TRIAL MINING AREA	33
APPENDIX 6 - MOD 2 STATEMENT OF COMMITMENTS	34
APPENDIX 7 - MOD 4 STATEMENT OF COMMITMENTS	37

CONSOLIDATED CONSENT

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The **Applicant must** implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The **Applicant must** carry out the project:
 - (a) generally in accordance with the EA; and
 - (b) in accordance with the conditions of this approval;

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

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 **Applicant must** comply with any reasonable requirement/s of the **Secretary** 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.

Limits on Approval

5. This approval lapses on 18 August 2024.
6. The **Applicant must** not extract more than 4.0 million tonnes of ROM coal per calendar year from the project by underground mining methods.
- 6A. The **Applicant must** not extract more than 500,000 tonnes of ROM coal from the Trial Mining Area (as shown in Appendix 5).

Surrender of Consents

7. Within 6 months of the date of this approval, the **Applicant must** surrender all existing consents for the Angus Place Coal Mine to the satisfaction of the **Secretary**.

Note: This approval will apply to all components of the Angus Place Coal Mine from the date of approval.

Structural Adequacy

8. The **Applicant must** ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under the EP&A Act, the **Applicant** is required to obtain construction and occupation certificates for any proposed building works.
- Deleted.

Demolition

9. The **Applicant must** ensure that all demolition work is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

Operation of Plant and Equipment

10. The **Applicant must** ensure that all plant and equipment used at the site are:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

CONSOLIDATED CONSENT

Community Enhancement Contribution

11. Within 6 months of the date of this approval, and for 2 years thereafter, the **Applicant must** pay Council \$25,000 (ie. a total of \$75,000), for improvements to Wolgan Road between the entrance of the mine and the old Castlereagh Highway at Lidsdale. If Council has not carried out these enhancement works within 2 years of final payment, the **Applicant** may retrieve the funds from Council.
12. Within 6 months of the date of this approval, the **Applicant must** establish a Community Enhancement Fund of at least \$30,000 to fund projects of benefit to the local community. **The Applicant must:**
 - (a) consult with Council and the CCC regarding expenditure from the fund;
 - (b) nominate project/s for expenditure from the fund by 31 January 2015; and
 - (c) ensure the nominated project/s are commenced no later than 30 June 2015, to the satisfaction of the Secretary.
13. Within six months of the approval of Modification 1, the **Applicant must** 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 **Applicant must** 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.

CONSOLIDATED CONSENT

SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS

ACQUISITION UPON REQUEST

1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the **Applicant must** acquire the land in accordance with the procedures in conditions 7-9 of schedule 4:

Table 1: Land subject to acquisition upon request

Land
Mason (east)

Note: For more information on the references to land used in this condition, see the 'Property Details' figure of the EA.

2. While the land listed in condition 1 is privately-owned, the **Applicant must** implement all practicable measures to ensure that the impacts of the project comply with the predictions in the EA, to the satisfaction of the **Secretary**.

Note: The noise predictions in the EA are 48dB(A) day time, 45dB(A) evening time and 37dB(A) night time, under the meteorological conditions specified in the notes to condition 17.

SUBSIDENCE

Performance Measures – Natural and Heritage Features, etc

3. The **Applicant must** ensure that underground mining does not cause any exceedances of the performance measures in Table 1A, to the satisfaction of the **Secretary**.

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 such cliffs within any longwall mining domain).
NSW National Parks and Wildlife Service land.	As specified or agreed by NSW National Parks and Wildlife Service
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 within any longwall mining domain are affected by subsidence impacts.

Notes:

- 1) The **Applicant** 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 following the date of approval of Modification 1.
- 3A. The **Applicant must** ensure that underground mining does not cause any exceedances of the performance measures in Table 1B, to the satisfaction of the **Secretary**.

CONSOLIDATED CONSENT

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, NSW National Parks and Wildlife Service 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 Applicant 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 following the date of 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 Applicant 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 Secretary. The Secretary may seek the advice of the Mine Subsidence Board on the matter. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.

Extraction Plans

- 3C. The Applicant must prepare and implement Extraction Plan/s for the second workings in Longwalls 910 and 900W to the satisfaction of the Secretary. Each Extraction Plan must:
- (a) be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be approved by the Secretary before the Applicant 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 Secretary:
 - 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 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
 - proposes 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 EPA, WaterNSW and DPE Water, which provides for

CONSOLIDATED CONSENT

- 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 BCD and RR, 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; and
 - a Heritage Management Plan, which has been prepared in consultation with Heritage NSW 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 RR prior to 31 March 2012 is taken to satisfy the requirements of this condition.

- 3D. The Applicant must 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. Subject to condition 3E1, the Applicant may carry out first workings within the underground mining area, other than in accordance with an approved extraction plan, provided that RR 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.

Trial Mining

- 3E1. The Applicant must not undertake underground mining operations within the Trial Mining Area, other than first workings which are generally in accordance with those shown in Appendix 5.

Payment of Reasonable Costs

- 3F. The Applicant must pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of an Extraction Plan.

SURFACE AND GROUND WATER

Pollution of Waters

5. Except as may be expressly provided by an EPA Environment Protection Licence, the Applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the project.

Discharge Limits

6. Except as may be expressly provided by an EPA Environment Protection Licence, the Applicant must ensure that the discharges from any licensed discharge points comply with the limits in Table 2:

Table 2: Discharge Limits

Pollutant	Units of measure	100 percentile concentration limit
pH	pH	$6.5 \leq \text{pH} \leq 8.5$
Non-filterable residue	mg/litre	$\text{NFR} \leq 30$
Oil and Grease	mg/litre	10

Note: This condition does not authorise the pollution of waters by any other pollutants.

CONSOLIDATED CONSENT

Water Performance Measures

- 6A The Applicant must ensure that water discharges from Licensed Discharge Point 001 comply with the performance measures in Table 2A:

Table 2A: Discharge Volume and Salinity Limit

Performance Measure	Unit of measure	Limit
Discharge volume until 31/12/2019	ML/day	10
Discharge volume after 31/12/2019	ML/day	0
Electrical Conductivity	µS/cm	350 (100th percentile)

Water Resource Impacts

7. The Applicant must ensure that the project does not result in any significant:
- reduction in pumping yield in privately-owned groundwater bores;
 - reduction in surface flows and groundwater baseflow to upland swamps (Newnes Plateau Shrub Swamps) and wetlands; and
 - reduction in surface flows and groundwater baseflow to waterbodies including Kangaroo Creek, Wolgan River, Lambs Creek and Coxs River,
- to the satisfaction of the Secretary.

Note: The respective sub-plans of the Site Water Management Plan (see condition 8 below) must include quantifiable impact assessment criteria for these water resource impacts, as well as measures to monitor, investigate and mitigate the impacts.

Site Water Management Plan

8. The Applicant must prepare (and following approval implement) a Site Water Management Plan for the project, to the satisfaction of the Secretary. The Plan must be prepared in consultation with EPA, WaterNSW and BCD, and be submitted to the Secretary within 12 months of the date of this approval. The Plan must include:
- a Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Program;
 - a Ground Water Monitoring Program;
 - a Surface and Ground Water Response Plan;
 - a Trigger Action Response Plan for gully erosion and scouring in Kangaroo Creek and Long Swamp downstream of LDP001;
 - a Water Transfer Pipeline Monitoring Program for managing, monitoring and responding to leaks and spills from the water transfer pipeline; and
 - a strategy for decommissioning water management structures on the site.
9. The Water Balance must:
- include details of all water extracted, dewatered, transferred, used and/or discharged by the mine, including protocols for managing temporary storage in underground workings / goaf areas as part of the water management system; and
 - provide for the annual re-calculation of the water balance and its reporting in the Annual Review.
10. The Erosion and Sediment Control Plan must:
- be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
 - identify activities that could cause soil erosion and generate sediment;
 - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - describe the location, function, and capacity of erosion and sediment control structures; and
 - describe what measures would be implemented to maintain the structures over time.
11. The Surface Water Monitoring Program must include:
- detailed baseline data on surface water flows (including ground water baseflows) and quality in waterbodies and wetlands above the mine;
 - surface water impact assessment criteria;
 - a program to monitor surface water flows (including ground water baseflows) and quality;
 - a protocol for the investigation, notification and mitigation of identified exceedances of the surface

CONSOLIDATED CONSENT

- water impact assessment criteria; and
- (e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
- 11A. The Applicant must 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 / Coxs River system upstream and downstream of the project's licensed water discharge points, in consultation with EPA and WaterNSW and to the satisfaction of the Secretary.
- 11B. By 31 October 2012, the Applicant must report on this program of investigations and propose:
- water quality criteria to be applied to any groundwater (minewater) discharged from the mine to the Kangaroo Creek / Coxs River catchment that will protect water quality and aquatic ecosystems within the catchment, having appropriate regard to relevant ANZECC water quality guidelines and WaterNSW's "neutral or beneficial impact" test;
 - measures to treat, transfer or re-use any groundwater (minewater) that does not meet these criteria; and
 - a timeline to implement these measures, to the satisfaction of the Secretary.
12. The Ground Water Monitoring Program must include:
- detailed baseline data on ground water levels and quality, based on statistical analysis;
 - ground water impact assessment criteria;
 - a program to monitor the volume and quality of ground water seeping into the underground mine workings;
 - a program to monitor regional ground water levels and quality; and
 - a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.
13. The Surface and Ground Water Response Plan must include:
- the procedures that would be followed in the event of any exceedance of the surface or ground water impact assessment criteria, or other identified impact on surface or ground water; and
 - measures to mitigate, remediate and/or compensate any identified impacts.
- 13A. The Trigger Action Response Plan for Kangaroo Creek and Long Swamp must include:
- objectives and performance criteria for erosion and scouring in Kangaroo Creek and Long Swamp downstream of LDP001;
 - appropriate and measurable triggers to warn of increased risk of gully erosion or scouring;
 - actions to respond to the increased risk of exceedance of the triggers; and
 - an assessment of remediation measures that may be implemented if exceedances occur and the capacity to implement the measures.

Transfer of water to Mount Piper Power Station

- 13B. The Applicant may transfer up to 2.6 ML of water per day to 'Pond D' at the Mount Piper Power Station using the Water Transfer Pipeline.

AIR QUALITY

Impact Assessment Criteria

14. The Applicant must ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality criteria listed in Tables 3, 4, and 5 at any residence on, or more than 25 percent of, privately-owned land.

Table 3: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	25 µg/m ³

Table 4: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
-----------	------------------	-----------

CONSOLIDATED CONSENT

Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³
--	---------	----------------------

Table 5: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: **Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.**

Odour

15. Except as may be expressly provided by an EPA Environmental Protection Licence, the Applicant must not cause or permit the emission of offensive odour beyond the site.

Air Quality Monitoring Program

16. The Applicant must prepare (and following approval implement) an Air Quality Monitoring Program for the project, to the satisfaction of the Secretary. The program must include an air monitoring protocol for evaluating compliance with the air quality criteria in this approval. The program must be prepared in consultation with EPA, and be submitted to the Secretary within 6 months of the date of this approval.

NOISE

Impact Assessment Criteria

17. From no later than 28 February 2007, the Applicant must ensure that the noise generated by the project, including the Applicant's operation of the haul road to the Wallerawang power station, does not exceed the noise impact assessment criteria presented in Table 6 at any residence on privately-owned land.

Table 6: Noise impact assessment criteria dB(A) L_{Aeq}(15 minute)

Land	Day	Evening	Night
Sharpe	42	38	36
Mason (West) and other Wolgan Road rural properties	41	37	35
Lidsdale village residents	44	40	35

Notes:

- a) For more information on the references to land in this condition, see 'Property Details' figure of the EA.
- b) The noise criteria do not apply where the Applicant and the affected landowner have reached a negotiated agreement in regard to noise, and a copy of the agreement has been forwarded to the Secretary and EPA.
- c) Noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeq}(15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.
- d) The noise emission limits identified in the above table apply under meteorological conditions of:
 - Wind speeds of up to 3 m/s at 10 metres above ground level; or
 - Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

Land Acquisition Criteria

18. If, after 31 August 2007, the noise generated by the project, including the operation of the haul road to the Wallerawang power station, exceeds the criteria in Table 7, the Applicant must, upon receiving a written request for acquisition from the landowner (excluding the landowners listed in Table 1), acquire the land in accordance with the procedures in conditions 7-9 of schedule 4.

CONSOLIDATED CONSENT

Table 7: Land acquisition criteria dB(A) $L_{Aeq}(15 \text{ minute})$

Land	Day	Evening	Night
Sharpe, Mason (West) and other Worgan Road rural properties	44	40	40
Lidsdale village residents	47	43	43

Note: The notes under Table 6 also apply to Table 7.

Operating Hours – Wallerawang Power Station Haul Road

19. The **Applicant must** not use the Wallerawang power station haul road at night.

Note: Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays.

Additional Noise Mitigation Measures

20. Upon receiving a written request from a landowner in Table 8 (unless that landowner has acquisition rights and has requested acquisition), the **Applicant must** implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the **Applicant** and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the **Secretary** for resolution.

Table 8: Land subject to additional noise mitigation

Property
Mason (east)
Sharpe

Continuous Improvement

21. The **Applicant must**:
- implement all reasonable and feasible best practice noise mitigation measures;
 - investigate ways to reduce the noise generated by the project, including noise generated from use of the Wallerawang power station haul road; and
 - report on these investigations and the implementation and effectiveness of these measures in the **Annual Review**, to the satisfaction of the **Secretary**.

Noise Monitoring Program

22. The **Applicant must** prepare (and following approval implement) a Noise Monitoring Program for the project, to the satisfaction of the **Secretary**. This program must include a combination of attended and unattended noise monitoring, and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval. The program **must** be prepared in consultation with EPA, and be submitted to the **Secretary** within 6 months of the date of this approval.

METEOROLOGICAL MONITORING

23. Within 6 months of the date of this approval, the **Applicant must** ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in *Approved Methods for Sampling of Air Pollutants in New South Wales*, and to the satisfaction of the **EPA** and the **Secretary**.

CONSOLIDATED CONSENT

FAUNA AND FLORA

Flora and Fauna Management Plan

24. The Applicant must prepare (and following approval implement) a Flora and Fauna Management Plan for the project, to the satisfaction of the Secretary. The Plan must be submitted to the Secretary within 12 months of the date of this approval. The Plan must include:
- (a) baseline data of the existing habitat on site;
 - (b) detailed procedures to:
 - clear vegetation on site;
 - control weeds;
 - control access to environmentally sensitive areas on site;
 - manage any potential conflicts between flora and fauna and Aboriginal heritage;
 - (c) a flora and fauna monitoring program; and
 - (d) procedures for monitoring, reviewing, and implementing the plan.

Persoonia hindii Management and Research Program

- 24A. The Applicant must prepare and implement a *Persoonia hindii* Management and Research Program. This Program must:

- (a) be prepared in consultation with BCD and NSW National Parks and Wildlife Service by suitably qualified and experienced persons whose appointment has been approved by the Secretary;
- (b) be submitted for approval to the Secretary prior to the commencement of construction activities for Mod – 2 that involve clearing of *Persoonia hindii* stems (ramets);
- (c) include a timetable to undertake surveys and mapping of *Persoonia hindii* to establish its distribution and population across the Newnes Plateau;
- (d) include measures for the translocation of all stems of *Persoonia Hindii* found in the area of disturbance associated with the widening of access tracks/roads to the Mod – 2 ventilation facilities, to nearby areas with similar physical and biological habitat features;
- (e) include trials to assess whether such translocated *Persoonia hindii* stems can be successfully returned to their original locations as a component of the rehabilitation of these areas;
- (f) include a study of the rhizomatous habit of *Persoonia hindii* and how this may affect the success of the species in translocation and/or re-colonising disturbed areas;
- (g) include a monitoring program to study the *Persoonia hindii* stems before and after translocation;
- (h) include a monitoring program to measure the ability of the residual *Persoonia hindii* population along the disturbed areas of the ventilation facilities access tracks/roads and construction site to regenerate;
- (i) include short and long-term goals to measure the effectiveness of the Program; and
- (j) provide for the transfer of information obtained as a result of implementing the Program to BCD, NSW National Parks and Wildlife Service and the Department.

Note: The requirement to undertake a Persoonia hindii Management and Research Program may be implemented in conjunction with a similar requirement arising from approval of the Springvale Colliery Bore 8 modification (DA 11/92 Mod 3).

Mod – 2 Vegetation Offsets

- 24B. By the end of December 2016, the Applicant must, to the satisfaction of the Secretary:
- (a) provide an area that is suitable in its vegetation types and extent to satisfactorily offset the residual impacts of clearing approximately 15 hectares of native vegetation associated with the construction and use of the Mod – 2 ventilation facilities and their supporting surface infrastructure and access tracks/roads, including the residual impacts on *Persoonia hindii*; and
 - (b) make suitable arrangements to manage, protect and provide long-term security for this area, consistent with the relevant NSW Offsets policy.

In determining a suitable residual offset, the Secretary will have regard to the outcomes of the *Persoonia hindii* Management and Research Program, particularly the success of translocation and/or regeneration, and the Applicant's success in implementing the Rehabilitation Strategy.

TRAFFIC AND TRANSPORT

Transport of Coal

25. The Applicant must not cause any coal truck movements on public roads, except in the event of emergencies with the prior approval of the Secretary, Council or EPA.

CONSOLIDATED CONSENT

26. The **Applicant must** maintain the surface of the haul road to Wallerawang power station to minimise the generation of noise and dust impacts, to the satisfaction of the **Secretary**.

Coal Conveyor

27. Within 18 months of the date of this approval, the **Applicant must** provide the **Secretary** with a report on the feasibility of installing the previously approved conveyor from the coal mine to the Wallerawang power station. The report **must** include:
- (a) cost-benefit analyses for both the conveyor and continued road haulage options, including analysis of economic, social and environmental considerations; and
 - (b) a long term strategy for continued coal haulage, including detailed justification for the proposed coal haulage method/s.

Parking

28. The **Applicant must** provide:
- (e) 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 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 **Secretary**.

VISUAL IMPACT

Haul Road Landscaping

29. The **Applicant must** prepare (and following approval implement) a Landscape Plan for the Wallerawang power station haul road, to the satisfaction of the **Secretary**. The Plan **must** provide for the establishment and maintenance of reasonable and feasible landscaping measures to minimise the visual impacts of the haul road. The Plan **must** be prepared in consultation with Council, and be submitted to the **Secretary** within 12 months of the date of this approval.

Note: The Landscaping Plan should focus on those areas of the haul road that are visible from residential and other public areas.

Lighting Emissions

30. The **Applicant must**:
- (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the **Secretary**.

GREENHOUSE GAS

31. The **Applicant must**:
- (a) monitor the greenhouse gas emissions generated by the project;
 - (b) investigate ways to reduce greenhouse gas emissions generated by the project; and
 - (c) report on these investigations in the **Annual Review**, to the satisfaction of the **Secretary**.

WASTE MINIMISATION

32. The **Applicant must**:
- (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;
 - (b) classify all waste in accordance with the Waste Classification Guidelines (EPA, 2014);
 - (c) dispose of all waste at appropriately licensed waste facilities; and
 - (d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition 3 of Schedule 5.

CONSOLIDATED CONSENT

HAZARDS MANAGEMENT

Spontaneous Combustion

33. The **Applicant must** take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site.

Dangerous Goods

34. The **Applicant must** ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

Pre-commissioning of Water Softening Plant

- 34A. Prior to commissioning the Water Softening Plant, the **Applicant must** develop and implement:
- a comprehensive Emergency Plan and detailed emergency procedures for the water softening plant. The plan must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'; and
 - a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

Ongoing operation of Water Softening Plant

- 34B. The **Applicant must** store all chemicals, fuels and oils used on-site in accordance with:
- the requirements of all relevant Australian Standards; and
 - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*, if the chemicals are liquids.

Note: In the event of any inconsistency between the requirements of sub-conditions (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

BUSHFIRE MANAGEMENT

35. The **Applicant must**:
- ensure that the project is suitably equipped to respond to any fires on-site; and
 - assist the Rural Fire Service, **NSW National Parks and Wildlife Service**, and emergency services as much as possible if there is a fire on-site during the project.

MINE CLOSURE STRATEGY

36. The **Applicant must** prepare a Mine Closure Strategy for the project, to the satisfaction of the **Secretary**. The Strategy **must** be prepared in consultation with Council, **RR**, **WaterNSW** and **EPA**, and be submitted to the **Secretary** at least 3 years prior to the cessation of mining. The Plan must:
- define the objectives and criteria for mine closure;
 - investigate options for the future use of the site, including the pit top and surface facilities area;
 - investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - define a strategy for the ongoing management of water flow into the underground mine workings;
 - describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - describe how the performance of these measures would be monitored over time.

REHABILITATION

Progressive Rehabilitation

- 36A. The Applicant must rehabilitate the site as soon as reasonably practicable after the disturbance occurs.

Rehabilitation Objectives

- 36B. 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*. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the documents listed in condition 2 of Schedule 2, and consistent with the rehabilitation outcome documents approved under the mining lease(s).

CONSOLIDATED CONSENT

Rehabilitation Strategy

36C. The Applicant must prepare a Rehabilitation Strategy for the development, to the satisfaction of the Secretary. The Rehabilitation Strategy must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Secretary;
- (b) be prepared in consultation with Resources Regulator, BCD, DPE Water, WaterNSW, NSW National Parks and Wildlife Service, Council and the CCC;
- (c) be submitted to the Secretary for approval within 6 months of the date of determination of 06_0021 MOD 7, or as otherwise agreed by the Secretary;
- (d) describe the strategic rehabilitation outcomes for the site, including mine closure, final landform, post-mining land use/s and water management;
- (e) align with the strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000), or its latest version;
- (f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
- (g) include details of:
 - (i) target vegetation communities and species to be established within the proposed revegetation areas;
 - (ii) a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site and/or infrastructure; and
 - (iii) stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes.
- (h) investigate opportunities to refine and improve the final landform over time.

Note: The Rehabilitation Strategy must address all land impacted by the mine, whether prior to or following the date of this consent.

36D. The Applicant must implement the approved Rehabilitation Strategy.

Rehabilitation Management Plan

37. The Applicant must prepare and implement a Rehabilitation Management Plan for the project, in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*.

Mod – 2 Ventilation Facilities

38. The Applicant must prepare and implement a Construction Environmental Management Plan to the satisfaction of the Secretary. This Plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be approved by the Secretary prior to the commencement of vegetation clearance or ground disturbance activities caused by construction of the Mod – 2 ventilation facilities and their supporting surface infrastructure and access tracks/roads; and
- (c) identify environmental impacts and potential impacts of these activities and describe measures to mitigate and manage these impacts, including impacts associated with:
 - noise emissions;
 - visual amenity;
 - night lighting;
 - Aboriginal cultural heritage;
 - air quality;
 - traffic management;
 - public safety;
 - bushfire management;
 - waste and hazardous materials management;
 - vegetation removal (including identification of tree hollows, provision for their salvage (where feasible), and provision for their relocation and/or replacement in adjacent woodland); and
 - erosion and sediment control.

Mod – 2 Ventilation Facilities – Rehabilitation

39. Deleted

CONSTRUCTION

Water Transfer Pipeline Construction Environmental Management Plan

CONSOLIDATED CONSENT

40. Prior to the commencement of construction of the Water Transfer Pipeline, the Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP must be prepared:
- a) in consultation with the EPA, TfNSW, WaterNSW and Council;
 - b) generally in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) to outline environmental management practices and procedures to be followed during construction, including:
 - i) erosion and sediment controls;
 - ii) an unexpected finds protocol for Aboriginal cultural heritage;
 - iii) air quality management measures;
 - iv) waste management measures;
 - v) noise management measures including:
 - implementing reasonable and feasible noise mitigation measures in accordance with the ICNG; and
 - undertaking construction during standard hours as defined in the ICNG, unless otherwise agreed by the Secretary;
 - vi) traffic and access management measures; and
 - vii) protocols to avoid or minimise impacts on biodiversity, for example, clearly delineating the disturbance footprint consistent with the EA.

The Applicant must implement the approved CEMP.

CONSOLIDATED CONSENT

SCHEDULE 4 - ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the impact assessment criteria in schedule 3, except where this is predicted in the EA, then the **Applicant must** notify the **Secretary** and the affected landowners and/or existing or future tenants (including tenants of mine-owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 3.

INDEPENDENT REVIEW

2. If a landowner (excluding mine owned properties) considers the project to be exceeding the impact assessment criteria in schedule 3, except where this is predicted in the EA, then he/she may ask the **Applicant** in writing for an independent review of the impacts of the project on his/her land.

If the **Secretary** is satisfied that an independent review is warranted, the **Applicant must** within 3 months of the **Secretary** advising that an independent review is warranted:

- a) consult with the landowner to determine his/her concerns;
 - b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the **Secretary**, to conduct monitoring on the land, to determine whether the project is complying with the relevant criteria in schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact;
 - c) give the **Secretary** and landowner a copy of the independent review.
3. If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the **Applicant** may discontinue the independent review with the approval of the **Secretary**.
 4. If the independent review determines that the project is not complying with the criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the **Applicant must**:
 - (a) take all practicable measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3, to the satisfaction of the **Secretary**.

If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, then the **Applicant** may discontinue the independent review with the approval of the **Secretary**.

If the **Applicant** is unable to finalise an agreement with the landowner, then the **Applicant** or landowner may refer the matter to the **Secretary** for resolution.

If the matter cannot be resolved within 21 days, the **Secretary** shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

If the measures referred to in (a) do not achieve compliance with the noise land acquisition criteria in schedule 3, and the **Applicant** cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the **Applicant must**, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in conditions 7-9 below.

5. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that the project and another project/mine are responsible for this exceedance, then the **Applicant must**, together with the relevant project/mine:
 - (a) take all practicable measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3, to the satisfaction of the **Secretary**.

If the **Applicant** is unable to finalise an agreement with the landowner and/or other project/s, then the **Applicant** or landowner may refer the matter to the **Secretary** for resolution.

If the matter cannot be resolved within 21 days, the **Secretary** shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

6. If the landowner disputes the results of the independent review, either the **Applicant** or the landowner may refer the matter to the **Secretary** for resolution.

CONSOLIDATED CONSENT

If the matter cannot be resolved within 21 days, the **Secretary** shall refer the matter to an Independent Dispute Resolution Process.

LAND ACQUISITION

7. Within 3 months of receiving a written request from a landowner with acquisition rights, the **Applicant must** make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 20 of schedule 3;
 - (b) the reasonable costs associated with:
 - relocating within the Lithgow local government area, or to any other local government area determined by the **Secretary**;
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the **Applicant** and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the **Secretary** for resolution.

Upon receiving such a request, the **Secretary** shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the panel's determination, the **Applicant must** make a written offer to purchase the land at a price not less than the panel's determination.

If the landowner refuses to accept this offer within 6 months of the date of the **Applicant's** offer, the **Applicant's** obligations to acquire the land shall cease, unless otherwise agreed by the **Secretary**.

8. The **Applicant** shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the **Secretary** and the costs of determination referred above.
9. If the **Applicant** and landowner agree that only part of the land shall be acquired, then the **Applicant must** pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

CONSOLIDATED CONSENT

SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The **Applicant must** prepare and implement an Environmental Management Strategy for the project to the satisfaction of the **Secretary**. This strategy must:
 - (a) be submitted for approval to the **Secretary** 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 **Applicant must** 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 **Applicant must** review the environmental performance of the project to the satisfaction of the **Secretary**. 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.

CONSOLIDATED CONSENT

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 **Applicant must** review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the **Secretary**.

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 **Applicant must** 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 **Secretary**.

Notes:

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

REPORTING

Incident Reporting

6. The **Applicant must** immediately notify the **Secretary** and any other relevant agencies of any incident. Within 7 days of the date of the incident, the **Applicant must** provide the **Secretary** and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

7. The **Applicant must** 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 **Secretary**.

INDEPENDENT ENVIRONMENTAL AUDIT

8. Prior to 31 December 2013, unless the **Secretary** directs otherwise, the **Applicant must** 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 **Secretary**;
 - (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 **Secretary**.*

9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the **Secretary**, the **Applicant must** submit a copy of the audit report to the **Secretary**, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

10. Prior to 31 December 2011, the **Applicant must**:
 - (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;

CONSOLIDATED CONSENT

- 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 Applicant's response to the recommendations in any audit;
 - any other matter required by the Secretary; and
- (b) keep this information up-to-date,
to the satisfaction of the Secretary.

FOR INFORMATION

CONSOLIDATED CONSENT

APPENDIX 1 - SCHEDULE OF LAND

Lot	DP
7	751634
13a	751666
173	751666
40	751666
3	722335
34	751666
39	751666
33	751666
10d	751666
11c	751666
40	751636
7002	1026540
51	751636
56	751636
63	751636
62	751636
71	751636
72	751636
73	751636
74	751636
75	751636
76	751636
77	751636
78	751636
79	751636
60	751636
358	44086
24	751636
248	751636
1	751636
A	418163
B	418163
C	418163
26	751636
54	751636
55	751636
350	751636
340	751636
1	542432
2	542432
3	542432
25	751636
2	751636
6	751636
15	751636
1	825887
2	825887
41	751636
20	827626
21	827626
22	827626
23	827626
24	827626
25	827626
26	827626
27	827626
4	751636
43	751636
34	751636
5	751636
354	751636
1	260621
2	260621
3	260621
4	260621

Lot	DP
5	260621
31	751636
33	751636
28	751636
1	552422
2	552422
1	732119
2	732119
57	751636
32	751636
351	751636
1	65810
1	860363
101	1033592
100	1033592
2	860363
1	568265
11	864305
16	855844
5	115922
1	523671
2	523671
1	652799
406	751651
51	751651
15	751651
418	751651
419	751651
2	609683
403	751651
404	751651
405	751651
176	751651
5	829137
16	855844
17	855844
12	864305
30	751651
173	666814
1	386554
2	386554
40	751651
43	751651
1	52865
2541-3090	
1	651723
359	44086
2	722335
7003	1026540
Gardens of Stone State Conservation Area	
1	825124
3	829137
2	567915
174	751651
385	751651
16	751651
101	1137972
32	827807
5	1087684
1	1087684
1	702619
2	702619
357	751651
13	751651
375	751651

Lot	DP
502	825541
101	1240974
102	1240974
9	804929
5	1244030
6	1244030
7	1244030
8	1244030
371	751651

CONSOLIDATED CONSENT

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

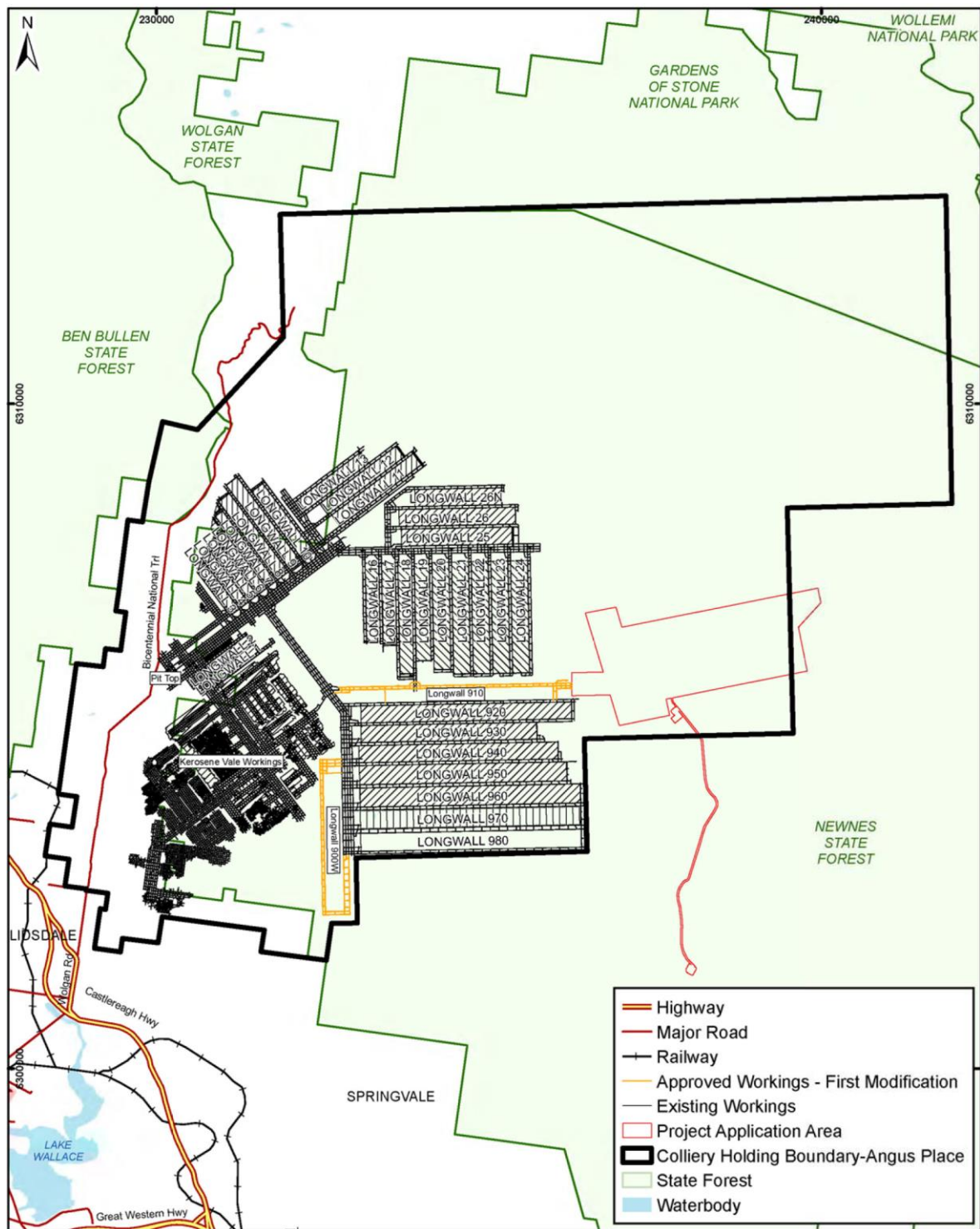
Parts of Gardens of Stone State Conservation Area (formerly Newnes State Forest and Ben Bullen State Forest)

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

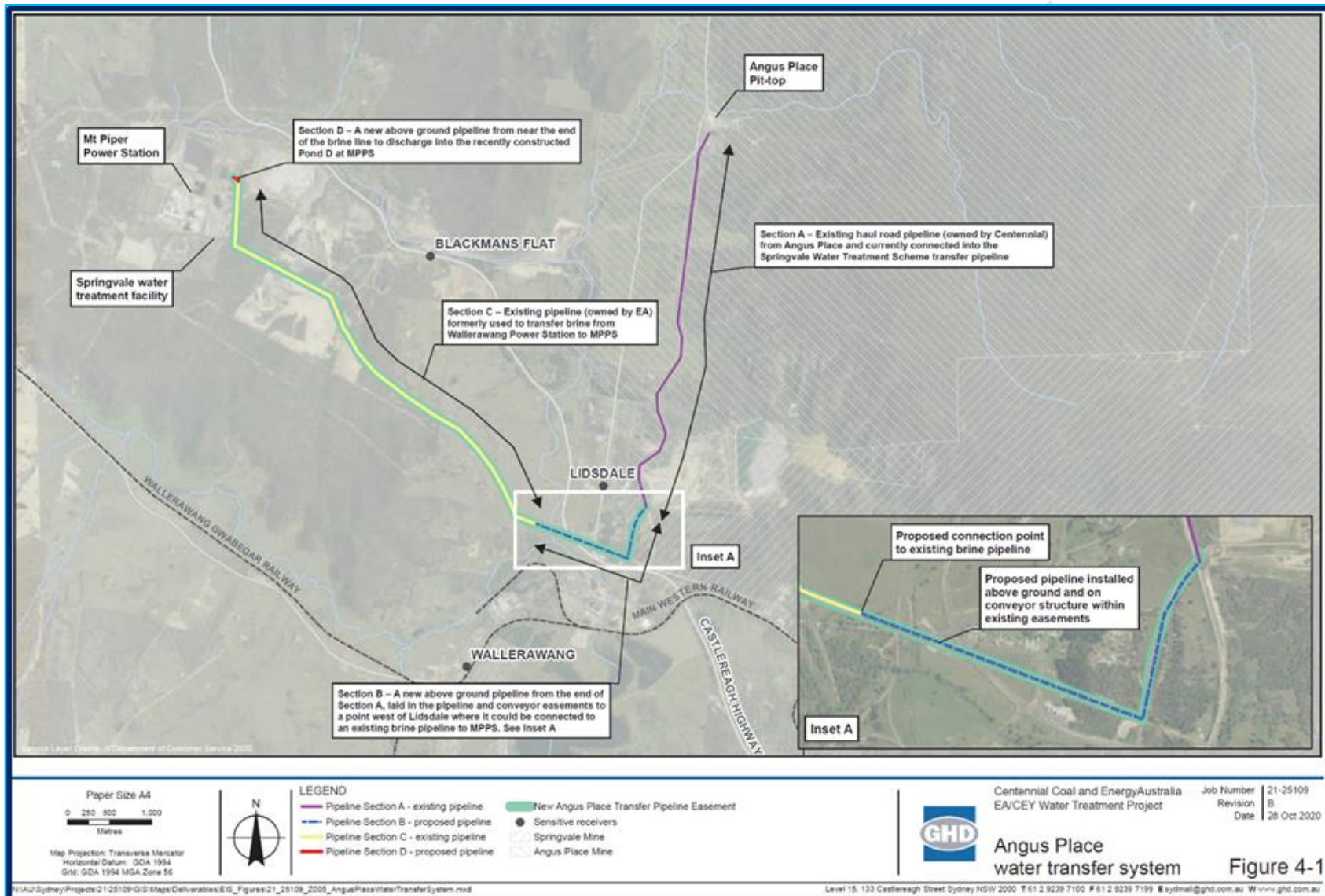
CONSOLIDATED CONSENT

APPENDIX 2 - ANGUS PLACE COAL PROJECT PLAN

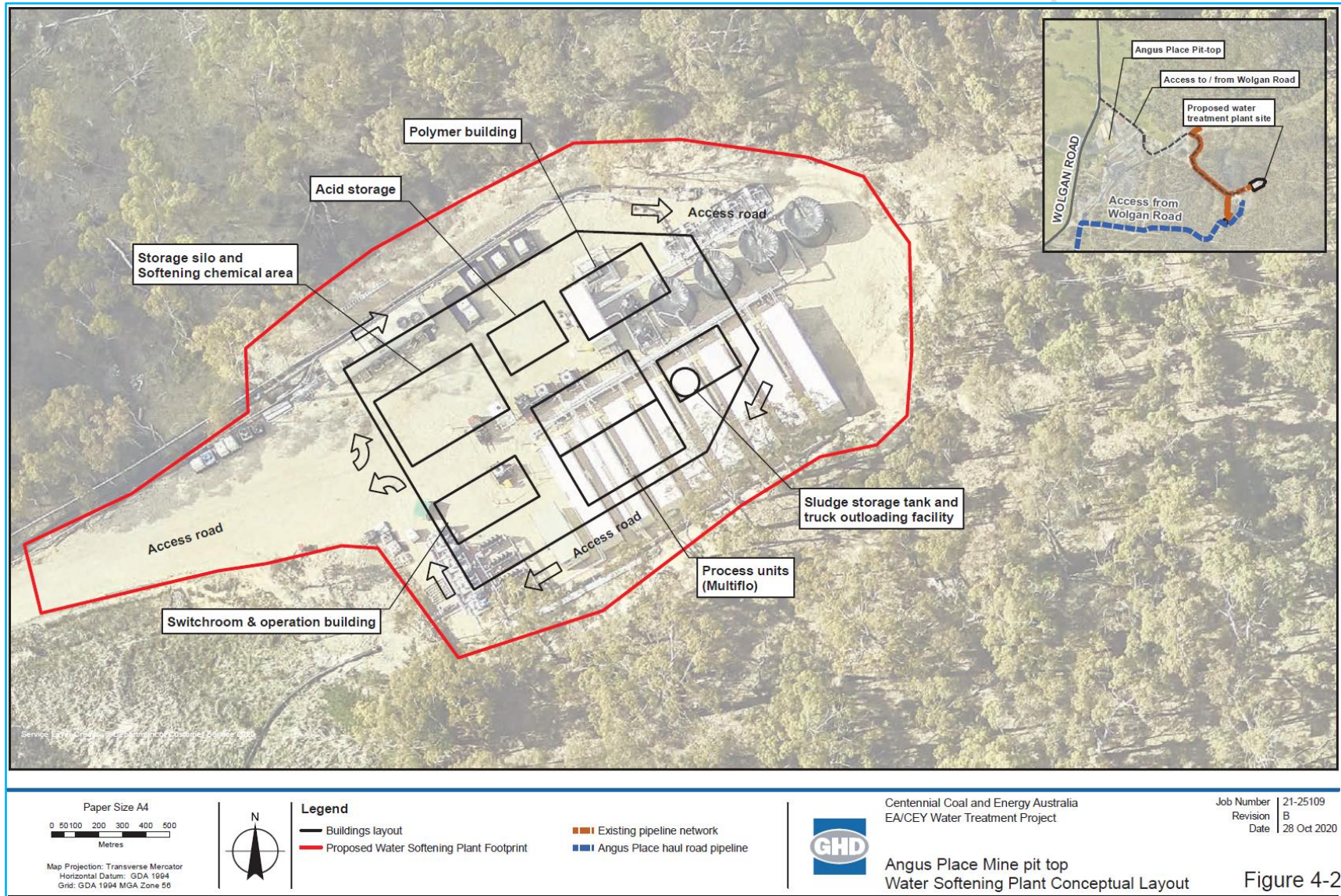


The Project includes the lands within the Colliery Holding Boundary and those areas where the red outline of the Mod 2 "Project Application Area" extends beyond the Colliery Holding Boundary.

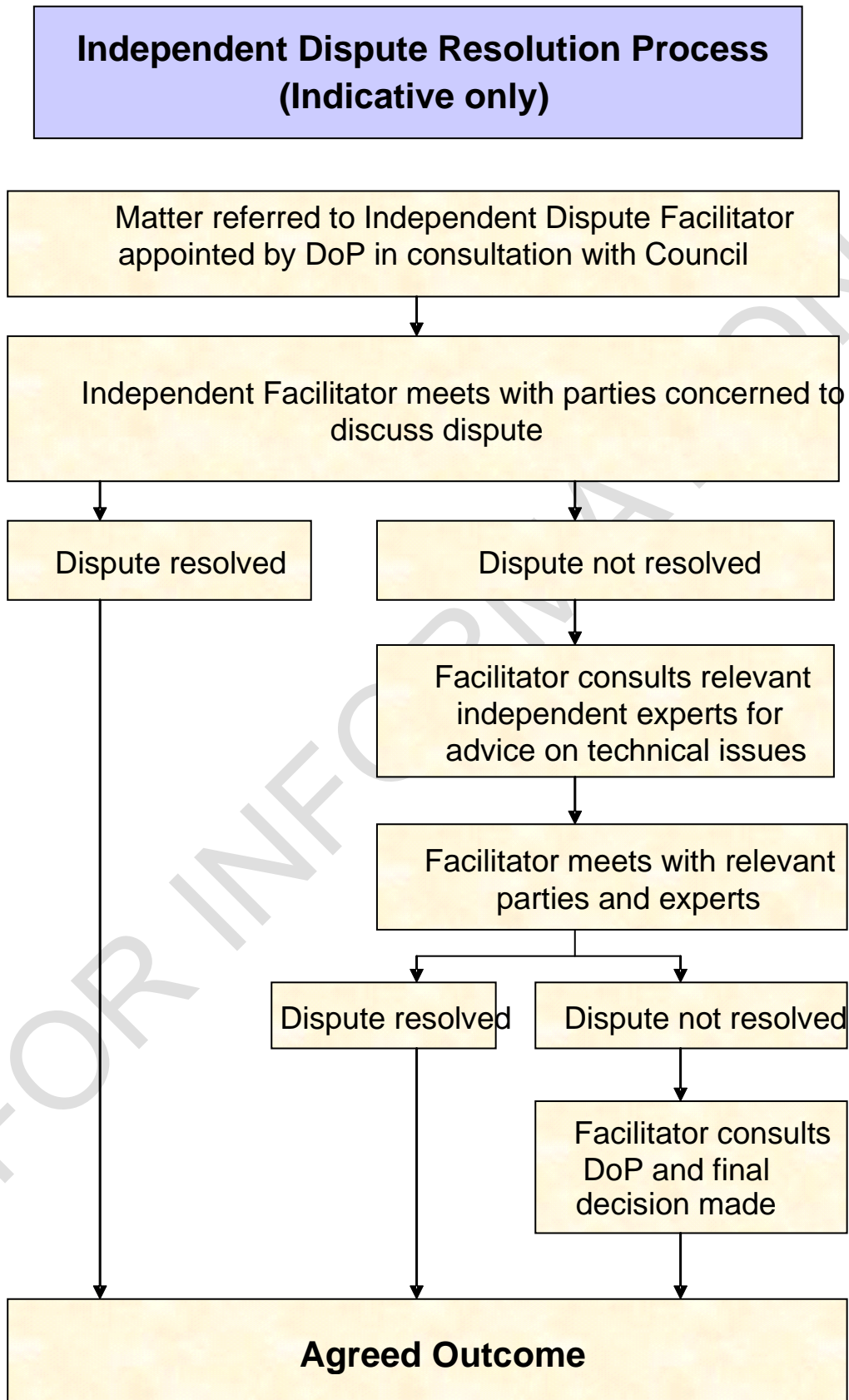
APPENDIX 2A – ANGUS PLACE TO MOUNT PIPER POWER STATION PIPELINE



APPENDIX 2B – WATER SOFTENING PLANT



APPENDIX 3 - INDEPENDENT DISPUTE RESOLUTION PROCESS



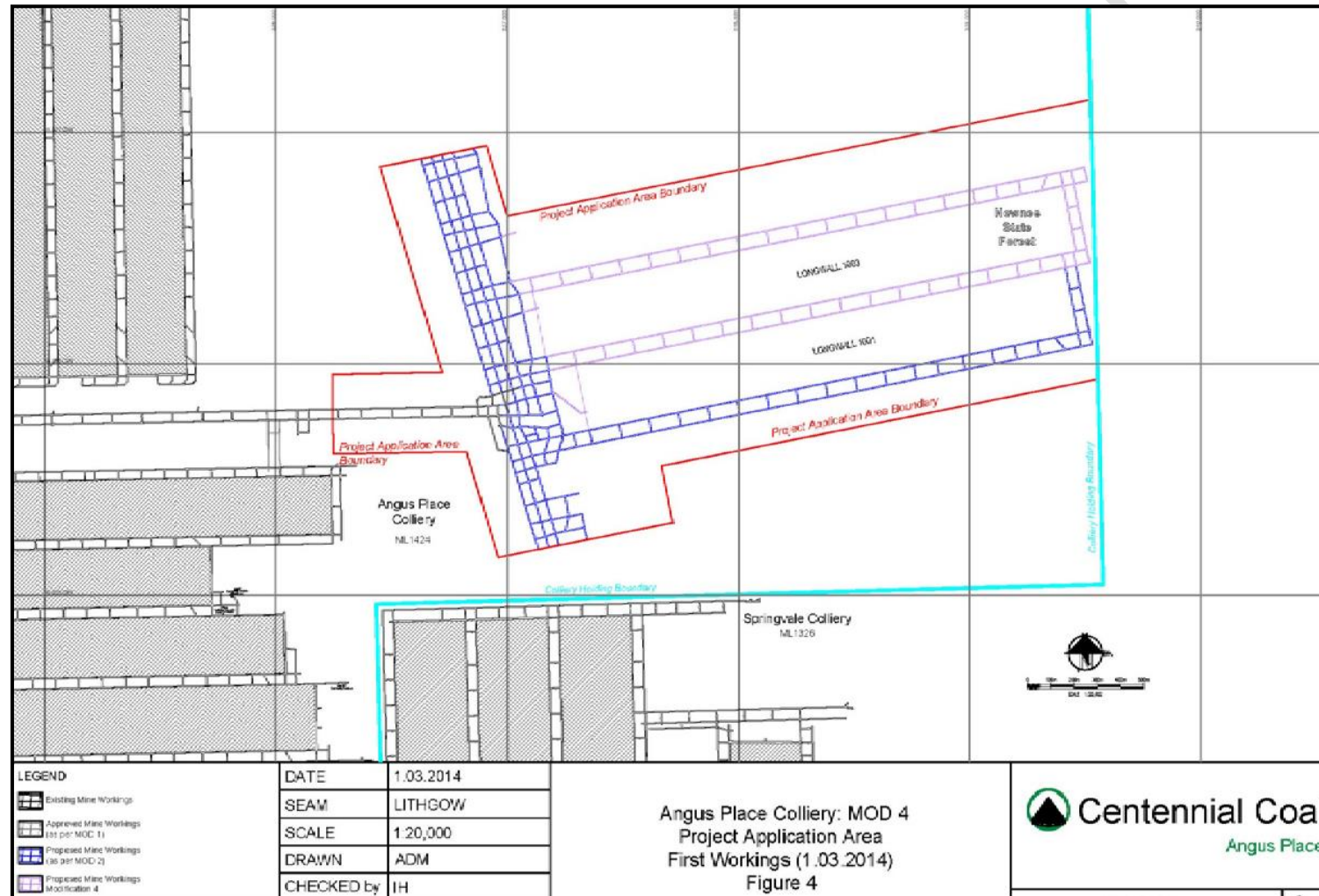
CONSOLIDATED CONSENT

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 Secretary I&I NSW prior to commencement of Longwalls 910 and 900 west and within 12 months of the date of 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.	<p>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.</p> <p>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.</p>
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.	<p>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.</p> <p>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.</p>
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.

CONSOLIDATED CONSENT

APPENDIX 5 - TRIAL MINING AREA



CONSOLIDATED CONSENT

APPENDIX 6 - MOD 2 STATEMENT OF COMMITMENTS

FLORA AND FAUNA

1. A *Persoonia hindii* Management Plan will be developed. This plan will:
 - a. Include the direct management actions and mitigation measures identified in Section 9.3.4 of this EA.
 - b. Include consultation with relevant stakeholders, including BCD, Forestry Corporation of NSW and the NSW Botanic Gardens.
2. Centennial Angus Place commits to study the rhizomatous spreading potential of *P. hindii*. It is proposed to undertake this study as part of the Project regarding any *P. hindii* plants approved for removal.
3. The existing Flora and Fauna Management Plan will be updated to include the management actions identified in Section 9.3.4 of this EA.

SURFACE WATER

4. The existing Site Water Management Plan will be updated to include the management actions identified in Section 9.4.4 of this EA.
5. A Construction Environmental Management Plan will be developed and implemented. This plan will include measures to minimise impacts to surface water systems, including sediment and erosion controls.

GROUNDWATER

6. The existing Groundwater Management Plan will be updated to include the management actions identified in Section 9.5.4 of this EA.

REHABILITATION

7. Rehabilitation will be implemented in accordance with the existing Rehabilitation Strategy.

SOILS AND LAND RESOURCES

8. The Construction Environmental Management Plan will include sediment and erosion controls.
9. The existing Site Water Management Plan will be updated to include the management actions in Section 9.7.4 of this EA.
10. The Rehabilitation Strategy will be updated to include the management actions in Section 9.6 and 9.7.4 of this EA.

GREENHOUSE GASES

11. The existing Energy Savings Action Plan and Energy Efficiency Opportunities strategies will continue to be implemented.
12. Centennial Angus Place Pty Ltd will participate, where required, in strategies to reduce greenhouse gas emissions identified by Centennial Angus Place Pty Ltd.

AIR QUALITY

13. The Construction Environmental Management Plan will include measures such as dust suppression and limits to plant use.
14. Dust monitoring will continue under the existing Environmental Monitoring Program.
15. Air quality management measures will be further investigated to decrease air quality impacts from the project in conjunction with other site practices.
16. The diesel generator will be maintained in accordance with the manufacturer's maintenance requirements to ensure that emissions from it are mitigated on the occasions when it is needed.
17. The vegetative buffer provided by the existing forest will be maintained to mitigate odour from the Ventilation Facility during its operation.

NOISE

18. The existing Noise Monitoring Program will be updated to include management actions identified in Section 9.10 of this EA.
19. The Construction Environmental Management Plan will include noise management and mitigation measures.

BUSHFIRE

20. The existing Bushfire Management Procedure and Management of Bushfire Assets Procedure will be updated to include the management actions identified in Section 9.11.1 of this EA.

VISUAL

21. The Construction Environmental Management Plan will include measures to minimise the visual impacts of the construction phase of the project.

RECREATION

22. The Construction Environmental Management Plan will include measures to minimise impacts to recreational users of the Newnes State Forest during construction. This will include installation of appropriate signage.

TRAFFIC

23. A Construction Traffic Management Plan will be prepared and implemented in consultation with Forestry Corporation of NSW and Lithgow City Council that includes the management actions identified in Section 9.14.4 of this EA.

SUBSIDENCE

24. A Wolgan River Monitoring Program will be developed and implemented. It will include:
 - a. Pre and post mining inspections of the Wolgan River.
 - b. Photographic monitoring of the Wolgan River prior to mining.
 - c. Annual inspections and reporting of the condition of the Wolgan River for a period of 5 years post mining.

25. Appropriate impact management and mitigation plans will be developed for infrastructure within the Project Application Area.
26. Existing management plans will be updated to take into consideration potential subsidence impacts from the project.

HERITAGE

27. Cultural Heritage Management Arrangements as identified in Section 9.17.4 of the EA will be included in the Construction Environmental Management Plan.
28. Recommendation 4 within the Cultural Heritage Impact Assessment is amended to reflect the following:

In the unlikely event that skeletal remains are identified.

- Work must cease immediately in the vicinity of the remains and the areas cordoned off.
- The Proponent will need to contact the local NSW Police.
- Police will make an initial assessment if the remains are part of a crime scene or possible Aboriginal remains.
- If remains are thought to be Aboriginal the local police will contact the [Heritage NSW](#) to determine if remains are Aboriginal or not.

AGRICULTURE

29. An agreement will be entered into with [Forestry Corporation of NSW](#) for the temporary use of the land required for the project.
30. An Occupation Permit and/or Mining Lease will be established for the Project Application Area prior to the operational phase of the project.

OTHER HAZARDS

31. Where required, all management plans will be updated to include the management actions identified in Section 9.20.3 of this EA.
32. The Construction Environmental Management Plan will take into consideration public safety, hazardous materials management and waste management activities.

OTHER APPROVALS

33. Centennial Angus Place Pty Ltd will obtain all necessary approvals to carry out and complete the project.
34. Centennial Angus Place will ensure a section 91 licence is obtained under the *Threatened Species Conservation Act 1995* for the implementation of the *Persoonia hindii* Management Plan.
35. Centennial Angus Place will complete the MOP addendum to the satisfaction of RR prior to any surface disturbance.

APPENDIX 7 - MOD 4 STATEMENT OF COMMITMENTS

Subsidence

- Angus Place Colliery will satisfy the Division of Resources and Energy that the proposed first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.
- Appropriate impact management and mitigation strategies will be developed for infrastructure and natural features within the Project Application Area as required.
- Existing management plans will be reviewed and updated if necessary to take into consideration impact management, performance management and mitigation strategies for the Modification.

Water Resources

- The existing Site Water Management Plan will be reviewed and updated if necessary to take into consideration potential impacts from the Modification.

Ecology

- The existing Flora and Fauna Management Plan will be reviewed and updated if necessary to take into consideration potential impacts from the Modification.