

**Office of the Independent Planning Commission**

Suite 15.02, Level 15, 135 King Street  
SYDNEY NSW 2000

5 August 2024

To whom it may concern,

**Angus Place Coal Mine Modification – MP06\_0021-Mod-9 - Lithgow Environment Group –  
Statement of reasons for objection**

1. We act on behalf of the Lithgow Environment Group (**LEG**).
2. We are instructed by LEG to lodge a statement of objection in relation Centennial Angus Place Pty Ltd's (**Centennial**) proposal for Modification 9 (**Mod 9**) on MP06\_0021 on the NSW Planning Portal.
3. Mod 9 was released for public exhibition and comment on the NSW Planning Portal on 23 July 2024 until 5 August 2024 (14 days). Notices were also published in the Village Voice and Lithgow Mercury.
4. The documents on public exhibition are as follows:
  - i. MP06\_0021-Mod 9- Exhibition Notice
  - ii. Modification report
  - iii. Political donation disclosure
  - iv. Applicant Public Notice – Village Voice
  - v. Applicant Public Notice – Lithgow Mercury
5. LEG is a not-for-profit environmental incorporated association (ABN 23395145080). LEG's principal objectives are the conservation, protection and enhancement of the natural environment in the Lithgow region. LEG promotes these objectives by contributing to community education and raising awareness, undertaking direct advocacy work and lobbying the government and participating in community consultation processes
6. LEG objects to the application for the following reasons, discussed in more detail below:
  - i. Incorrect application of the relevant legislation in the making of the proposal,
  - ii. The unworkability of Mod 9 with existing development consents,
  - iii. Incompatibility with the relevant environmental planning instrument,
  - iv. The negative impacts on the natural environment,
  - v. There is no additional planning agreement,
  - vi. It is not in the public interest, and

- vii. Centennial's history of poor compliance
7. To conclude, the Mod 9 proposal in its current form is wholly unworkable and it must be rejected by the Independent Planning Commission (**IPC**). The IPC and the Department of Planning, Housing and Infrastructure must consider the strong likelihood that Centennial's operations at Angus Place Coal mine will be in breach of MP06\_0021 after 18 August 2024 and act accordingly.

## 1 The proposed changes

8. The Mod 9 proposal seeks to amend MP06\_0021 to "allow for decommissioning, rehabilitation and other requirements under the Mining Act 1992 to continue beyond the consent lapse date"<sup>1</sup>.
9. The Current Condition 5 of MP 06\_0021 states the following:

***Limits on Approval***

*This approval lapses on 18 August 2024.*

10. The proposed modification (**RED**) to Condition 5 of MP 06\_0021 is:

***Limits on Approval***

*First Workings and Second Workings may only be carried out on the Site until 18 August 2024.*

***Notes:***

*Under this consent, the Applicant is required to decommission and rehabilitate the Site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of First Workings and Second Workings mining until the rehabilitation of the site and other requirements have been carried out to the required standard.*

*Mining and rehabilitation are also regulated under the Mining Act 1992.*

11. First and Second Workings are defined within the development consent MP 06\_0021 for as follows:
- i. **First Workings** - Development of main headings, longwall gate roads, related cut throughs and the like; and
  - ii. **Second Workings** - Extraction of coal from longwall panels, mini-wall panels or pillar extraction.

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<sup>1</sup> Exhibition of State Significant Development Modification Application Notice - Angus Place Coal Mine Modification, Department of Planning, Housing and Infrastructure, 23 July 2024, 1.

12. If Mod 9 is approved, Angus Place coal mine will be able to continue all other authorised activities permitted under MP 06\_0021 but for coal extraction and related tunnels and roadways required for underground mining.
13. The ongoing approvals under MP 06\_0021 can be found at **Annexure A**. This list is extensive and includes matters such as:
- i. Surface and ground water management,
  - ii. Subsidence,
  - iii. Operation and plant and equipment
  - iv. Hazards management,
  - v. Air quality,
  - vi. Noise,
  - vii. Flora and fauna,
  - viii. greenhouse gas emissions
  - ix. mine closure strategy,
  - x. rehabilitation,
  - xi. reporting requirements, and
  - xii. accessing information.

## **2 Statutory and regulatory framework**

14. Centennial seeks to modify MP06\_0021 through s 4.55(1A) of EP&A Act.
15. S 4.55(1A) Modifications involving minimal environmental impact states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

16. Centennial has also sought to rely on regs. 105 and 106 of the Environmental Planning and Assessment Regulations 2021 (NSW) (**EP&A Regs**) for the notice requirements.

17. Reg 105 – ‘Notice of modification applications for modifications involving minimal environmental impacts’ states:

- (1) This section applies to—
  - (a) a modification application under the Act, section 4.55(1A), and
  - (b) a modification application under the Act, section 4.56, if the modification is, in the consent authority’s opinion, of minimal environmental impact.
- (2) If a modification application is required by a community participation plan to be notified or advertised and the development consent was granted by the Court on appeal, the modification application must be notified or advertised by the consent authority to which the original development application was made.
- (3) The consent authority must, for a modification application referred to in subsection (1)(b), notify the Court of—
  - (a) the way in which the application was notified or advertised, and
  - (b) the period for submissions required by the community participation plan, and
  - (c) the period during which the application was notified or advertised.
- (4) This section does not apply to State significant development.

18. Reg 106 – ‘Notice of modification applications for designated development, State significant development and other development’ states:

- (1) This section applies to a modification application under the Act, section 4.55(2) or 4.56(1) if the original development application was for—
  - (a) designated development, or
  - (b) State significant development, or
  - (c) the following development, if the original development application was made to a consent authority other than a council—
    - (i) nominated integrated development,
    - (ii) threatened species development,
    - (iii) Class 1 aquaculture development.
- (2) As soon as practicable after a modification application is lodged, the consent authority must—
  - (a) publish a notice on its website that contains the following information—
    - (i) a brief description of the development consent, the land to which it relates and the details of the modification sought,
    - (ii) a statement that written submissions about the modification may be made to the consent authority during the public exhibition period required under the Act,
    - (iii) a statement that, if the application is approved, there is no right of appeal to the Court by an objector, and
  - (b) give the notice to each person who made a submission in relation to the original development application.
- (3) If an application under the Act, section 4.56 relates to development consent granted by the Court on appeal, the consent authority or council, as the case requires, must notify the Court of the day on which notice of the application is published under subsection (2)(a).

19. Centennial have stated that a referral pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) will not be made. Referrals under the

EPBC Act ought to be made where certain actions are likely to have a significant impact on a matter of national environmental significance.

20. The development consent authority must evaluate the modification according to the following matters<sup>2</sup>:

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

### **3 Incorrect legal framework applied in the application**

21. In our view, Centennial has incorrectly applied both the EP&A Act and the EPBC Act and stricter levels of scrutiny applies. This is because:

- i. Mod 9 is not a modification that has a minimal environmental impact. Put simply, the modification allows the development consent to indefinitely continue but for coal extraction. But for the proposed changes under Mod 9, the development consent would cease at 18 August 2024. This Mod 9 ought to be applied for under s 4.55(2) EP&A Act which requires a different application process.
- ii. The notice requirements under reg 105 does not apply because the Angus Place coal mine is a state significant development.

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<sup>2</sup> EP&A Act s 4.55(3)

- iii. The notice requirements under reg 106 have not been complied with,
- iv. The minimum exhibition period requirements have not been complied with,
- v. Mod 9 ought to be referred under the EPBC Act. Similar to the above, but for the proposed changes under Mod 9, the development consent would cease at 18 August 2024. The continuation of activities at Angus Place would have an impact on a number of matters of national significance including the water trigger and threatened species.

Section 4.55(1A) does not apply and at risk of a jurisdictional error challenge if relied upon

22. Centennial seeks to rely on s 4.55(1A) as the mechanism to exhibit and proceed with Mod 9, however the statutory requirement of “minimal environmental impacts” in its proposal has been mischaracterised.

23. Centennial must seek a modification to Condition 5 of MP06-0021 if any activities are to continue at Angus Place Mine beyond 18 August 2024. The development consent states:

This approval lapses on 18 August 2024.

24. The use of the word “lapse” here is noteworthy, as the concept of lapsing in the EP&A Act is usually concerned with the date by which a consent holder is required to ‘commence’ a development consent for the purpose of s 4.53 of the EP&A Act. The usual implication of a consent ‘lapsing’ is that the consent can no longer be relied upon or revived and a new development application would need to be lodged to obtain approval to carry out that development.

25. The word “lapse” in the context of Condition 5 does not mean “lapse” as that term is used in s 4.53 of the EP&A Act. Rather, we understand that it refers to the expiry of MP06-0021 – that is, the date on which the approved development (being the operation of the AP Mine) must cease.

26. The courts have considered the meaning of the requirements under s4.55(1A). In *Kousis v Inner West Council* the court found that<sup>3</sup>:

“The word ‘minimal’ [environmental impact] in s 4.55(1A)(a) takes its ordinary meaning of very small or negligible, as per Jagot J in [84] of *King, Markwick*.

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<sup>3</sup> [2022] NSWLEC 1611 [19]-[21]

It is the impact that must be minimal, rather than the proposed modification itself: *Bechara v Plan Urban Services Pty Ltd* (2006) 149 LGERA 41; [2006] NSWLEC 594 (*Bechara*) per Jagot J at [57]:

“.....The ‘minimal’ requirement qualifies the ‘environmental impact’ of the proposed modification, rather than the proposed modification itself – which is subject to the ‘substantially the same’ requirement in s 96(1A)(b). Hence, the focus must be on the impact or effect of the modification on the environment. Given the very broad and inclusive definition of ‘environment’ in s 4(1) of the EPA Act, it is necessarily a matter for the consent authority to identify for itself the relevant categories of potential impacts.”

The requirement to consider the ‘impacts’ in the context of s 4.55(1A) demands a comparative assessment of the environmental impacts of the development as originally approved and the development as modified. *Dravin Pty Ltd v Blacktown City Council* [2017] NSWLEC 38 (*Dravin*) at [57]:

“Furthermore, the task required by s 96(1A)(a) demands a comparative assessment of the environmental impacts of the development as originally approved and the development as modified. As with the task required by s 96(1A)(b), the comparative assessment required by s 96(1A)(a) is not to be done in a ‘sterile vacuum’ by comparing the bare terms of the consent as originally granted and the consent as modified, but rather is to involve an appreciation, qualitative as well as quantitative, of the developments and the environmental impacts of those developments.”

27. In Centennial’s Modification report states that it has met the requirements under s 4.55(1A)(a) because:

The proposed modification will not change the core objective of Angus Place. Angus Place is currently in care and maintenance operational mode and the proposed modification does not involve any change to the approved development footprint or current operations.

The proposed modification does not seek to significantly alter the nature or scale of the approved development and the activities subject to the consent will remain substantially the same development as are currently approved.<sup>4</sup>

28. Centennial has misconstrued the environmental impact of Mod 9. We strongly disagree that Modification 9 will “not alter the nature and the scale of the approved development.”

29. The test necessitates comparative analysis of the consent as granted and the consent as modified as well as an appreciation of the developments and their environmental

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<sup>4</sup> *Angus Place Colliery – Modification Report for modification 9 to MP 06\_0021 (MOD9)*, Centennial, June 2024, 19.

impact. In this case, the consent as granted is MP06\_0021 as at 22 November 2022 once the approved Modification 7 was applied.

30. The development consent contemplated Angus Place coal mine finalising on 18 August 2024. To indefinitely extend all other activities but for the first and second workings has a profound impact on the environment and the course of the Angus Place coal mine as a whole.

31. As the test requires that the impact is 'minimal', it cannot be said that that the continuation all the activities but for the first and second workings has a minimal impact. If Mod 9 is accepted in its current form, the ongoing obligations listed in Annexure A are extensive. This includes a rigorous surface and ground water, air pollution, hazards and subsidence regimes.

32. Given the contents of Mod 9, Centennial ought to have this modification evaluated according the standards and regulations required under s 4.55(2).

33. This includes:

- i. The consulting with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,<sup>5</sup>
- ii. notifying the application in accordance with the regulations and the development control plan,<sup>6</sup>
- iii. considering any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be,<sup>7</sup>
- iv. the consent authority must publish a notice on its website that contains the following information<sup>8</sup>:
  - i. a brief description of the development consent, the land to which it relates and the details of the modification sought,

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<sup>5</sup> EP&A Act s 4.55(2)(b)

<sup>6</sup> EP&A Act s 4.55(2)(c)(i)-(ii)

<sup>7</sup> EP&A Act s 4.55(2)(d)

<sup>8</sup> EP&A Reg 2021 r 106(2)(a)(i)-(iii)



- ii. a statement that written submissions about the modification may be made to the consent authority during the public exhibition period required under the Act,
- iii. a statement that, if the application is approved, there is no right of appeal to the Court by an objector,
- v. the consent authority must give the notice to each person who made a submission in relation to the original development application.<sup>9</sup>

34. We note failure to comply with any of these requirements would likely give rise to an administrative law challenge to the decision of the consent authority if Mod 9 is accepted in its current form.

#### Reg 105 does not apply

35. Centennial has stated that it will rely on reg 105 and 106 to satisfy its notice requirements.

36. Reg 105 applies to matters which rely on s 4.55(1A). Centennial has stated that reg 105 provides that “[n]otice of the application is not required”.

37. However, reg 105 cannot be relied upon if the project is a State significant development per reg 105(4). Angus Place Coal Mine is a State significant development.

38. Nevertheless, as stated above, Mod 9 must be evaluated according to the process stepped out by s 4.55(2) which would include the notice requirements under reg 106.

#### Reg 106 has not been complied with and at risk of a jurisdictional error challenge

39. Centennial has stated in their Mod Report that the notice requirements are “not included” in reg 106 and that “DPHI will place this modification report on the Major Projects Planning Portal as required”.<sup>10</sup>

40. Reg 106 only applies to state significant developments which have been considered under s4.55(2). In our view, reg 106 details the correct process to exhibit Mod 9.

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<sup>9</sup> EP&A Reg 2021 r 106(2)(b)

<sup>10</sup> *Angus Place Colliery – Modification Report for modification 9 to MP 06\_0021 (MOD9)*, Centennial, June 2024, 19.

41. Reg 106 requires that the consent authority publish the notice with the mandatory details as soon as practicable.

42. The consent authority for Mod 9 is the IPC. There appears to be no record of the IPC having published the Mod 9 report on its website in breach of reg 106(2).

43. Failure to comply with the requirements of reg 106 would give rise to a jurisdictional error challenge to the decision of the consent authority if Mod 9 is accepted in its current form.

Minimum exhibition period has not been complied with and at risk of invalid development consent

44. Schedule 1 Division 2 section 10 EP&A Act steps out the minimum exhibition period for state significant modifications:

Minimum public exhibition period for an application for modification of development consent that is required to be publicly exhibited by the regulations—

(a) if the relevant community participation plan specifies a period of public exhibition for the application—the period so specified, or

(b) otherwise—14 days.

45. Mod 9 has been published on the NSW Planning portal and is available for comment from Tuesday 23 July 2024 – Monday 5 August 2024.

46. Under the *Interpretation Act 1987* (NSW) at s 36 the interpretation of time is considered. It states:

If in any Act or instrument a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall be reckoned exclusive of that day or of the day of that act or event.

47. Put simply, s 36 requires that day of publication (the act) is not included in the minimum exhibition period (i.e. it is exclusive of that day).

48. As such, the exhibition period of 23 July 2024 –5 August 2024 falls one day short of the mandatory 14 day minimum.

49. We note exhibiting a State Significant modification for less than the minimum period exhibition period would give rise to an invalid development consent if there is non-compliance.<sup>11</sup>
50. Failure to comply with the mandatory minimum exhibition requirements would give rise to a jurisdictional error challenge to the decision of the consent authority.

Mod 9 ought to be referred under the EPBC Act

51. Although referrals to the EPBC Act are not within the scope of the consideration of the consent authority, it is worth noting that Centennial has stated in its Mod Report that:

[t]he proposed modification does not seek any further surface disturbance or propose any change to the existing water management system or approach at Angus Place.

The proposed modification is unlikely to have a significant impact on any MNES listed under the EPBC Act. The proposed modification is also unlikely to have a significant impact on a water resource.

Given the unlikely scope for significant impacts to MNES or in relation to the water trigger, a referral under the EPBC Act is not considered necessary as the project is unlikely to have a significant impact on protected matters.<sup>12</sup>

52. We disagree with this characterisation and urge Centennial to submit a referral under the EPBC Act.
53. The continuation of all activities under MP06\_0021 after 24 August 2024 but for the first and second workings is likely to have a significant impact on a matter of national environmental significance. The matter of matter of national environmental significance includes a water resource which involves a large coal mining development. This is reflected in the extensive water management regime at Angus Place Coal mine to manage pollution levels and flood risk and develop ponds as part of the final land form.
54. We note that rehabilitation projects of large mines have been referred under the EPBC Act in the past and have been determined to be a controlled action. An example of a

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<sup>11</sup> s 4.60 EP&A Act

<sup>12</sup> *Angus Place Colliery – Modification Report for modification 9 to MP 06\_0021 (MOD9)*, Centennial, June 2024, 18.

controlled action decision is the Hazelwood Mine Rehabilitation Project in Victoria (EPBC 2022/09239). The proposed action in that matter was: “To rehabilitate the Hazelwood Mine by creating a lake within the mine void, and decommission redundant infrastructure at the Hazelwood Mine, near Morwell, Victoria.”<sup>13</sup>

55. In light of such precedents, we urge Centennial to refer Mod 9 under the EPBC Act.

#### **4 The unworkability of Mod 9 with existing development consents**

56. If Mod 9 is approved in its current form, it will bring the existing development consent into conflict with itself. We note that Centennial must carry out the project in accordance with the conditions of the development approval.<sup>14</sup>

57. Further, per s 9.44, a breach of the EP&A Act includes a breach of a consent granted under the EP&A Act including a condition subject to which a consent is granted.<sup>15</sup> Any person may bring proceedings in the Court for an order to remedy or restrain a breach of the EP&A Act.<sup>16</sup>

58. If approved, Mod 9 will cause the existing development consent to be incoherent for the following sections:

- i. Mine closure strategy (per Sch 3, s 36)
- ii. Progressive rehabilitation (per Sch 3, s 36A)
- iii. Rehabilitation Strategy (per Sch 3, s 36C(d)-(g))

59. The incoherence in all of these rehabilitation obligations is caused by confirmation of the cessation of mining activities as of 18 August 2024 which is proposed under Mod 9.

#### **Mine closure strategy (per Sch 3, s 36)**

60. MP06\_0021 Schedule 3, s 36 states:

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

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<sup>13</sup> *Notification of Referral Decision and Designated Proponent – controlled action, Hazelwood Mine Rehabilitation Project in Victoria* (EPBC 2022/09239), 20 February 2023.

<sup>14</sup> Schedule 2, section 2(b)

<sup>15</sup> S 9.44(a)-(b)(iii)

<sup>16</sup> s 9.45(1)

EPA, and be submitted to the Secretary at least 3 years prior to the cessation of mining. The Plan must:

- (a) define the objectives and criteria for mine closure;
- (b) investigate options for the future use of the site, including the pit top and surface facilities area;
- (c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
- (d) define a strategy for the ongoing management of water flow into the underground mine workings;
- (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
- (f) describe how the performance of these measures would be monitored over time.

61. The Mod 9 proposal has clarified that Centennial does not intend to continue mining after 18 August 2024.

62. As such, the Mine Closure Strategy for the project ought to have been submitted at least before 18 August 2021.

63. We note that the Mine Closure Strategy remains in draft form<sup>17</sup>, and the comments from the Rehabilitation Strategy May 2024 provide the reasoning behind it:

In accordance with the Strategic Framework for Mine Closure (ANZMEC, 2000), Angus Place will commence the detailed mine closure planning process at least five years prior to the anticipated mine closure date (i.e. the planned cessation of mining). Based upon current development consent, mining operations at Angus Place will cease in 2024. However, it is noted that the Angus Place West Project (SSD26254212) EIS is being prepared for continuation of operations until 31 December 2042, and highlights the socio-economic benefits of continued mining. Building on the Mine Closure Strategy (currently in draft) and as indicated in Table 4.2, mine closure planning (based on the anticipated cessation of operations in 2042)..

[...]

Although Angus Place are within five years of approved activities under MP 06\_0021, opportunities to extend the life of mine are being actively progressed and have subsequently deferred the mine closure planning process.<sup>18</sup>

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<sup>17</sup> *Rehabilitation Strategy - Angus Place*, Centennial, May 2024, 18.

<sup>18</sup> *ibid*, 19.

64. Centennial's plans for Angus Place West cannot circumvent its existing obligations under MP06\_0021. There is no lawful basis for Centennial to "defer" preparing a Mine Closure Strategy document and Mod 9 provides clarity that the document is almost three years overdue.

65. Centennial's desire to develop Angus Place West are an irrelevant consideration for the purpose of s 36. This is a clear breach of the EP&A Act and Centennial must submit a Mine Closure Strategy as a matter of urgency.<sup>19</sup>

Progressive rehabilitation (per Sch 3, s 36A)

66. MP06\_0021 Schedule 3, s 36A states:

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

67. As stated above, the Mod 9 proposal reveals Centennial's plans to formally cease mining activities at Angus Place.

68. Per s 36A, Centennial ought to be rehabilitating the whole mine site now that mining activities have ceased.

69. We understand that underground mining operations are difficult to rehabilitate while mining operations are ongoing. However, mining operations at Angus Place have not been in effect since March 2015.

70. Through Mod 9, it is clear that there is no lawful basis for the continuation of mining at Angus Place and rehabilitation to the full extent must commence per the conditions of MP06\_0021.

71. However, we note that Centennial has no plans to commence rehabilitation of surface infrastructure within the next three years. The Angus Place Annual Review report for 2023 states:

As an underground coal mine, infrastructure at Angus Place is required for the life of mine. Subsequently, land associated with key surface infrastructure will not

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<sup>19</sup> We note that if Mod 9 is not accepted then all operations at Angus Place coal mine will be in breach of the Act after 18 August 2024. This will be dealt with further below.

become available for rehabilitation until the cessation of mining operations, with limited opportunity for progressive rehabilitation.

There are no disturbance or rehabilitation activities associated with surface infrastructure planned over the next three years apart from minor exploration related rehabilitation as part of the exploration program/s.<sup>20</sup>

72. The indicative closure timeline of Angus Place is based on a closure date of 2042 with decommission and rehabilitation to commence in 2042 according to the most recent Rehabilitation Strategy.<sup>21</sup>

73. Any consideration of the plans for Angus Place West are irrelevant considerations when reviewing the obligations as there are characterised under MP06\_0021.

74. Commencing decommissioning and rehabilitation in 2042 does not comply with the requirements of s 36A which requires rehabilitation to occur within a “reasonably practicable” timeframe.

75. For rehabilitation to start 13 years after the last disturbance occurred under the MP06\_0021 is a failure to meet a reasonably practicable timeframe and thus a breach of EP&A Act.

#### Rehabilitation Management Plan (s 37)

76. MP06\_0021 Schedule 3, s 37 states:

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*.

77. ML 1424 (1992) applies to Angus Place Coal Mine. This lease states that the Standard conditions apply per the Mining Regulations 2016, Schedule 8A, Part 2.

78. Under reg 5, Part 2, Schedule 8A, rehabilitation is to occur as soon as reasonably practicable after disturbance and requires the following:

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<sup>20</sup> Centennial Coal Angus Place Annual Review, Centennial, March 2024, 83.

<sup>21</sup> Table 4.2, 21.

The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.

79. Under reg 6(1), Part 2, Schedule 8A, rehabilitation must achieve final land use by:

The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.

80. Under reg 10, Part 2, Schedule 8A, the rehabilitation management plans for large mines are required to comply with the following:

- (1) The holder of a mining lease relating to a large mine must prepare a plan (a **rehabilitation management plan**) for the mining lease that includes the following—
  - (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,
  - (b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,
  - (c) a summary of rehabilitation risk assessments conducted by the holder,
  - (d) the risk control measures identified in the rehabilitation risk assessments,
  - (e) the rehabilitation outcome documents for the mining lease,
  - (f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.

81. EJA were unable to locate a copy of CCL 704 but the rehabilitation strategy document noted that Mining Regulation 2016, Schedule 8A, Part 2 applies to CCL 704<sup>22</sup>.

82. ML 1424 is set to expire on 18 August 2024. We understand that no renewal has been sought.<sup>23</sup>

83. CCL 704 is a mining lease which covers part of Angus Place Coal mine including the pit top. This mining lease expires on 20 January 2039<sup>24</sup>.

84. The Mining Rehabilitation Plan does not align with the conditions of mining leases ML 1424 and CCL 704 on the following grounds:

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<sup>22</sup> *Rehabilitation Management Plan For Large Mines – Angus Place*, Centennial, 29 November 2023, 20.

<sup>23</sup> *ibid*, 6.

<sup>24</sup> *Consolidated Coal Lease 704, Title Summary Report*, Regional NSW. Available here: [https://mtr.regional.nsw.gov.au/ords/r/tas/mtr/fulldetailsmddd?p6\\_tas\\_id=13851&session=2521877025700&cs=3kR7RjRSOrF0ZelAhiLc6u\\_79q5lGu-DD-9yknPNDO3v\\_MOV96nQPzTcKRnsHzM54-zVMh43GlqjOLE28pCKQCQ](https://mtr.regional.nsw.gov.au/ords/r/tas/mtr/fulldetailsmddd?p6_tas_id=13851&session=2521877025700&cs=3kR7RjRSOrF0ZelAhiLc6u_79q5lGu-DD-9yknPNDO3v_MOV96nQPzTcKRnsHzM54-zVMh43GlqjOLE28pCKQCQ)



- i. The rehabilitation has not occurred as soon as practicable after the disturbance as there are no immediate plans to rehabilitate despite no mining activities since March 2015. Centennial advises they are still consulting with stakeholders on their rehabilitation plans<sup>25</sup>,
- ii. The rehabilitation final land use will not have been achieved before the expiry of the mining lease ML 1424 which includes landform stability and water quality concerns<sup>26</sup>,
- iii. The descriptions of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation will not meet the conditions of the mining lease to rehabilitate as soon as practicable as mining ceased in March 2015 and decommissioning and rehabilitating has not commenced and there are no immediate plans for it to commence.

85. In light of the above, Centennial has failed to prepare a Rehabilitation Management Plan for Angus Place in accordance with the conditions imposed on mining leases ML 1424 and CCL 704.

## 5 Incompatibility with the relevant environmental planning instrument

86. The development consent authority must consider any relevant environmental planning instrument per ss 4.55(3) and 4.15(1) EP&A Act. The relevant environmental planning instrument that applies is the *State Environmental Planning Policy (Resources and Energy) 2021 (SEPP)* to the Angus Place project.

87. These considerations include:

- i. Impacts on water resources, and
- ii. Natural resource recovery.

88. In Centennial's Rehabilitation Management Plan it states that it developed its plans in accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* however this instrument was repealed in 2022.<sup>27</sup>

### Impacts on water resources

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<sup>25</sup> *Rehabilitation Management Plan For Large Mines – Angus Place*, Centennial, 29 November 2023, 47

<sup>26</sup> *Approved Rehabilitation Objectives Statement, Rehabilitation Objectives*, Centennial, 30 October 2023, 4.

<sup>27</sup> *Rehabilitation Management Plan For Large Mines – Angus Place*, Centennial, 29 November 2023, 9.

89. Under s 2.20 of the SEPP, before granting consent, the consent authority must consider:

[...] whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following—

(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,

90. If accepted, the Mod 9 proposal forms part of a broader plan which enables Centennial to continue to avoid meaningful decommissioning and rehabilitation until 2042. The current Water Management Plan states:

Specific details regarding decommissioning of water management structures will increase as Angus Place comes closer to closure, consistent with the approved post mining land use.<sup>28</sup>

91. At present, the Angus Place coal mine has a substantial impact on water resources which includes:

- i. Water management at the pit top of Angus Place Colliery focuses on the capture of surface water runoff across the site by surface water storages including the Primary Ponds, Secondary Pond and Filter Pond (collectively known as the Pollution Ponds) and the Settling Ponds. The primary functions of the surface water management system are as pollution control structures and to store water harvested from the site. Discharges from LDPs are minimised by the transfer and reuse of water across the site.<sup>29</sup>
- ii. Groundwater inflows occur continuously within the underground working areas and must be constantly extracted to prevent flooding of key infrastructure and sterilisation of potential future coal reserves<sup>30</sup>
- iii. Up to 13.4 ML/day of mine water from the Angus Place Mine can be transferred via the SDWTS or via the Angus Place Water Transfer Pipeline located along the Wallerawang Haul Road directly to the SWTP Raw Water Pipeline for treatment at SWTF<sup>31</sup>

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<sup>28</sup> *Angus Place Colliery – Water Management Plan*, Centennial Angus Place Pty Ltd, June 2021, 83

<sup>29</sup> *ibid*, 27

<sup>30</sup> *ibid*, 45

<sup>31</sup> *ibid*, 45

92. These impacts on water resources could be minimised if Centennial commenced decommissioning and rehabilitation now that mining activities have ceased per s 2.2 of the SEPP.

93. Mod 9 appears to facilitate the decommissioning and rehabilitation of Angus Place Coal mine however its apparent that Centennial have no plans to start such a process based on their absence of a mine closure strategy.

#### Resource recovery

94. Under s 2.21 of the SEPP, there are requirements for the timeline of resource recovery which states:

- (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.
- (2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.
- (3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.

95. It is clear that the efficient recovery of extractive materials has not been optimised and the Mod 9 proposal continues a general program of inefficiency.

96. Centennial ceased mining operations in March 2015 and the Mod 9 makes clear that mining will formally cease on 18 August 2024 and rehabilitation and decommissioning are to continue thereafter.

97. Mod 9 purportedly supports Centennial to decommission and rehabilitate Angus Place however, the plans mapped out in the 2023 Annual Report, Rehabilitation Management Plan and Rehabilitation Management Strategy evince a clear intention to not start any genuine decommissioning and rehabilitation until 2042.

98. Centennial's desire to develop Angus Place West are an irrelevant consideration for the purpose of assessing a modification to MP06\_0021 per s4.55 EP&A Act.

99. Acceptance of Mod 9 in its current form would enable Centennial to continue to inefficiently operate Angus Place and create further waste<sup>32</sup> while the decommission and rehabilitation program remains in limbo due to the outstanding consents for the Angus Place West development.

## **6 Likely environmental impacts on natural environment**

100. The development consent authority must consider the impacts on the natural environment per ss 4.55(3) and 4.15(1) EP&A Act as a result of the modification. These considerations include the impacts on water resources.
101. The Mod 9 proposes that the time for decommissioning and rehabilitation is indefinitely extended rather than lawfully completed by 18 August 2024.
102. The Angus Place coal mine has an adverse impact on the environment especially in respect to surface and groundwater resources.
103. This includes:
- i. Pit top runoff,
  - ii. Ground water inflows, and
  - iii. The cumulative impacts on water resources.

### **Pit tip runoff and land clearing**

104. The Angus Place Water Management Plan states:

The dirty water management structures at the Angus Place Colliery pit top form the basis of sediment control at the site. Dirty water runoff is managed by a number of dirty water storages which enable suspended solids to settle out of the water column and also allow for dirty water to be reused in site processes, thereby minimising the potential for dirty water discharges into the surrounding environment. The dirty water management structures are regularly de-silted to maximise available storage capacity.

The dirty water system consists of a number of drains, grit traps, kerb and gutter, collection pits, pipe networks, oil water separators and settling ponds. Runoff from the CHP and pit top is diverted to a network of Pollution Ponds. Water is filtered through gabion baskets and ballast prior to entering the Settling Ponds. The Settling Ponds capture runoff while suspended solids, such as soil and coal fines, settle out to become sediment. If floccing or pH dosing is required at this point to meet EPL criteria, it is done within the settling ponds. Clean water from the Settling Ponds is discharged via LDP002 into the Cocks River.<sup>33</sup>

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<sup>32</sup> Such as water pollution requiring treatment at Springvale Water Treatment Plant

<sup>33</sup> *Angus Place Colliery – Water Management Plan*, Centennial Angus Place Pty Ltd, June 2021, 31

105. The management of polluted water stemming from the pit top is extensive while the site is in operation.

106. Centennial have said that:

Following the cessation of mining operations at Angus Place, the Pit Top and all rehabilitated areas on the Newnes Plateau will be rehabilitated to woodland commensurate with the adjacent remnant vegetation. [...]The final land use for these areas will be 'environmental protection works' which is consistent with the surrounding land use of forestry within the former Newnes State Forest. Additionally, the final land use aligns with the current *Lithgow Local Environmental Plan (LEP) 2014* and the *Lithgow Land Use Strategy 2010 – 2030*.

[...]

The water management structures at the Angus Place Pit Top will be retained in the post-mining landform to provide water resources for any fauna habiting the Pit Top. The *Angus Place Colliery 75W Modification Rehabilitation Strategy* (GSSE, 2010), specified that dams and water structures can remain in the final landform where specific structures have been constructed for the storage of water as required for sediment and erosion control or some post-mining land use.<sup>34</sup>

107. Water resources at the pit top will continue to be adversely impacted under Mod 9 if approved rather than rehabilitated and restored to woodland as required under the existing development consent by 18 August 2024.

#### Ground water inflows

108. The Angus Place Water Management Plan states:

- i. Groundwater inflows occur continuously within the underground working areas and must be constantly extracted to prevent flooding of key infrastructure and sterilisation of potential future coal reserves.
- ii. Water is temporarily stored in goaf areas known as the 800 and 900 panel areas.
- iii. Up to 42 ML/day of mine water from Springvale Mine and Angus Place Colliery mine dewatering facilities can be received at the SWTF for treatment and industrial reuse at MPPS.
- iv. Up to 13.4 ML/day of mine water from the Angus Place Mine can be transferred via the SDWTS or via the Angus Place Water Transfer Pipeline located along the

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<sup>34</sup> *Rehabilitation Strategy - Angus Place*, Centennial, May 2024, 7-8

Wallerawang Haul Road directly to the SWTP Raw Water Pipeline for treatment at SWTF.

v. Up to 2.6 ML/day can be transferred to Pond D at MPPS.<sup>35</sup>

109. In light of the groundwater inflows, the water at Angus Place needs to be treated and transferred elsewhere for reuse.
110. Centennial have explained that due to their plans for Angus Place West they have not submitted a Mining Closure Strategy.<sup>36</sup> In the latest Rehabilitation Strategy document, Centennial have committed to defining, “a strategy for the ongoing management of water flow into the underground mine workings.”<sup>37</sup>
111. Groundwater resources impacted by the underground mine workings will continue to be adversely impacted under Mod 9 if approved rather than rehabilitated as required under the existing development consent by 18 August 2024.

#### Cumulative impacts on water resources

112. We are instructed by LEG that it understands that Centennial coal mines extract 20.1 billion litres of groundwater from a mine disturbance footprint of about 12,000 Ha in the Gardens of Stone SCA each and every year, increasing with every new panel that is mined. Angus Place Mine has approval to extract 3.24 billion litres each which will be extended indefinitely under the current Mod 9 proposal.<sup>38</sup>
113. This is staggeringly large volumes of groundwater and is water that is essential for:
- i. base flow into waterways, and
  - ii. to maintain groundwater dependent ecosystems ,and threatened species such as the Blue Mountain Water Skink (*Eulamprus leurensis*) and Giant Dragonfly (*Petalura gigantea*).
114. We are instructed by LEG that in its view it was never the intention that Angus Place Colliery would continue to extract groundwater indefinitely. When the extraction of the coal resource ceases, then the regime for rehabilitation of groundwater resources ought to commence.
115. We are instructed by LEG that in its view, Centennial regards groundwater inflow into mine workings as a waste product to be disposed of. For the environment of the Gardens of Stone SCA, however, that groundwater is an incredibly valuable resource to maintain

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<sup>35</sup> *Angus Place Colliery – Water Management Plan*, Centennial Angus Place Pty Ltd, June 2021, 45

<sup>36</sup> *Rehabilitation Strategy - Angus Place*, Centennial, May 2024, 9

<sup>37</sup> *ibid*, 12.

<sup>38</sup> LEG has calculated this data from the daily discharge figures and extrapolated the information to per year.

baseflow into waterways and to sustain groundwater dependent ecosystems. This groundwater belongs to the Gardens of Stone SCA, and must be retained for future generations in the local environment so that at least some of the swamps, waterfalls, creeks, and rivers that have been desiccated by Angus Place Colliery can start to recover post-mining.

116. Mining ceased at Angus Place Colliery in 2015, and Mod 9 does not seek to undertake any further mining. Therefore continuing to extract 3.24 billion litres each year without a plan for rehabilitation is a critically important when considering the cumulative impacts of Mod 9 on water resources.

## **7 No new planning agreement offered with Mod 9**

117. The development consent authority is to take into account the planning agreement in a modification approval process.<sup>39</sup>
118. Mod 9 involves permission to decommission and rehabilitation indefinitely rather than by 18 August 2024.
119. LEG is not aware of any proposal for a new planning agreement that has been submitted as part of the Mod 9 process.
120. Under s 7.4 EP&A Act, a planning agreement may involve the developer (Centennial) to:
- dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.
121. Despite Centennial's intentions for a significant modification, there are no plans for any planning agreement which can be put towards a public purpose.
122. The development consent authority ought to interpret Mod 9 more unfavourably due to the lack of public purpose benefit to the community as a result of Mod 9.

## **8 Mod 9 has not been sought in a way which accords with public interest due to lack of transparency**

123. The development consent authority is to take into account the assessment of public interest in a modification approval process.<sup>40</sup>

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<sup>39</sup> s 4.55(1) EP&A Act

<sup>40</sup> S 4.55(1) EP&A Act

124. LEG asserts that the modification report could be misinterpreted by readers, contrary to public interest.

125. Public interest is a broad concept that has a contextual meaning. The NSW Deputy Ombudsman Chris Wheeler gave a speech in 2016 on public interest which stated:

The 'public interest' is a term for which there is no single precise and immutable definition. The answer to the question "what is the public interest?" depends almost entirely on the circumstances in which the question arises. However, as a general concept it has been described as referring to considerations affecting the good order and functioning of the community and government affairs for the wellbeing of citizens.<sup>41</sup>

126. For the purpose of engaging in planning processes and procedures, LEG asserts that it is critically important, and thus in the public interest, that the documents that Centennial submits in pursuit of Mod 9 are transparent and not likely to give rise to misunderstanding when reviewed by the general public.

127. In the Executive Summary of the Mod 9 report, Centennial has described the modification as follows:

Schedule 2, Condition 5 of MP 06\_0021 states that the approval "lapses on 18 August 2024". As worded, Centennial Angus Place understands that the condition would have the effect of preventing the carrying out of any of the authorised activities permitted by MP 06\_0021 following lapse on 18 August 2024, including the carrying out of mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992*. This being the case, Centennial Angus Place seek to modify Schedule 2, Condition 5 of MP 06\_0021 to limit the consent lapsing provision to mining of First and Second Workings only, rather than all authorised activities permitted by MP 06\_0021.

The effect of such a modification would be to enable mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992* to continue to also be carried out under MP 06\_0021 after 18 August 2024. In this way, approval of the proposed modification would effect a change to the underlying development subject to MP 06\_0021 by permitting, for the purposes of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* the continuation of mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992*.

The proposed modification has been designed to avoid and minimise adverse biophysical, social and economic impacts. Appropriate management measures have been identified to mitigate any residual impacts from the proposed modification.<sup>42</sup>

128. In the Modification Overview section in the Mod 9 report, Centennial states:

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<sup>41</sup> Deputy NSW Ombudsman, Chris Wheeler, 'What is the public interest', Government Solicitors Conference Sydney, 3

<sup>42</sup> *Angus Place Colliery – Modification Report for modification 9 to MP 06\_0021 (MOD9)*, Centennial, June 2024, iii



[...] Centennial Angus Place seek to modify Schedule 2, Condition 5 of MP 06\_0021 to limit the consent lapsing provision to mining of First and Second Workings only, rather than all authorised activities permitted by MP 06\_0021. The effect of such a modification would be to enable mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992* to continue to also be carried out under MP 06\_0021 after 18 August 2024. In this way, approval of the proposed modification would effect a change to the underlying development subject to MP 06\_0021 by permitting, for the purposes of the EP&A Act, the continuation of mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992*.<sup>43</sup>

129. In the Proposed Modification section of the Mod 9 report, Centennial has described the modification as follows:

Centennial Angus Place seeks to modify Schedule 2, Condition 5 of MP 06\_0021 to limit the consent lapsing provision to mining of First and Second Workings only, rather than all authorised activities permitted by MP 06\_0021. The effect of such a modification would be to enable mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992* to continue to also be carried out under MP 06\_0021 after 18 August 2024.

In this way, approval of the proposed modification would effect a change to the underlying development subject to MP 06\_0021 by permitting, for the purposes of the EP&A Act, the continuation of mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992*.<sup>44</sup>

130. In the Mod 9 report Conclusion it states:

The proposed modification would enable, for the purposes of the EP&A Act, continuation for activities related to mine decommissioning, rehabilitation, mine closure and other activities required under the *Mining Act 1992* following cessation of mine operations at Angus Place.<sup>45</sup>

131. In light of the numerous descriptions of the modification enabling decommissioning and rehabilitation at Angus Place, it would be understandable that any member of the public would believe that the modification would be for the purpose of decommissioning and rehabilitation of Angus Place.

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<sup>43</sup> *ibid*, 10

<sup>44</sup> *ibid*, 16

<sup>45</sup> *ibid*, 29

132. As stated above, Centennial does not have any immediate plans for decommissioning or rehabilitating Angus Place to its final landform.

133. We particularly note the information in the Rehabilitation Strategy which was released in May 2024:

Although Angus Place are within five years of approved activities under MP 06\_0021, opportunities to extend the life of mine are being actively progressed and have subsequently deferred the mine closure planning process.<sup>46</sup>

134. The Mod 9 does not make any reference to Angus Place West throughout the entire document however it appears the Place West project is the cause for the deferral of the mining closure plans. Centennial have also made clear that decommissioning and rehabilitation is to commence in 2042 however this is not referred to in the Mod 9 report.<sup>47</sup>

135. Mod 9 in its current form may mislead the public about the nature of the modification and may also give rise to potential offence under s 10.6 EP&A Act.

136. We submit Centennial's plans for Angus Place via Mod 9 are not appropriately explained and this is not in the public interest as third parties do not have the opportunity to meaningfully respond to the documents within the exhibition period.

## 9 History of poor compliance

137. LEG asserts that Centennial's compliance record also ought to be taken into account when considering the Mod 9 approvals which enable decommissioning and rehabilitation. This includes:

- i. the chronic under reporting of incidents of environmental harm, and
- ii. the number of non-compliances incidents across the Centennial mines in the Lithgow region

### Chronic under reporting of incidents of environmental harm

138. LEG instructs that Centennial has a very poor record of self-reporting incidents that have caused environmental harm.

139. A volunteer-run community group reported damage to nationally endangered Temperate Highland Peat Swamps on Sandstone (THPSS) in Narrow Swamp, East Wolgan Swamp and Junction Swamp by emergency minewater discharges from LDP4 & 5. When volunteers discovered that damage they were very concerned it had not been officially reported to relevant government agencies given there was evidence of significant previous foot-traffic in the area. This ultimately led to the \$1,450,000

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<sup>46</sup> *Rehabilitation Strategy - Angus Place*, Centennial, May 2024, 18.

<sup>47</sup> *ibid*, 19

Enforceable Undertaking imposed on Centennial by Federal Environment Minister Tony Burke on 12 October 2011 caused by Angus Place and Springvale Colliery.<sup>48</sup>

140. We are instructed by LEG that similar instances occurred with:
- damage to THPSS by Angus Place Colliery in Kangaroo Creek Swamp by the Angus Place 900 Panels;
  - damage to THPSS along the northern arm of the Coxs River in Long Swamp due dewatering Angus Place 300 Area in 2006 and 2018; and
  - by Clarence Colliery to THPSS in Farmers Creek Swamp by Panel 707, and Paddy's Creek Swamp by the 900 Panels; and many more.
141. In June 2022 LEG reported a cliff collapse near the end of Angus Place Longwall 1 mined between August 1979 and May 1980 in the 300 Area (Angus Place West 2 Proposal Area). Centennial only reported this in the Western Region CCC Minutes on 17 August 2022 after having read LEG's Facebook page (see below).<sup>49</sup>

### Rock Fall – Kangaroo Creek

- 3<sup>rd</sup> June 2022 - Lithgow Environment Group IMC Facebook page posted a photo of a landslide
- 6<sup>th</sup> June 2022 – Inspected by Mine manager
- Reported on 16<sup>th</sup> June 2022 to:
  - National Parks and Wildlife Services
  - Planning Secretary
  - Resource Regulator
  - NSW Environmental Protection Authority
- 18<sup>th</sup> July – Regulator Inspection



142. In the same CCC Minutes Centennial reported a major erosion incident in Narrow Swamp.<sup>50</sup> This swamp was damaged by Angus Place Colliery 950 – 970 longwall Panels mined between 8 August 2008 and 8 October 2012 (and was the subject of a \$1.45 million Enforceable Undertaking in 2011).

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<sup>48</sup> 2011 Annual Environmental Management Report: Mining Titles/Leases: CCL704, ML 1424, Pt. CCL702: Angus Place, Centennial Coal, 29 February 2012, 4.

<sup>49</sup> Western Region (Angus Place) CCC Minutes 2022 (collated), Centennial, 2022.

<sup>50</sup> Western Region (Angus Place) CCC Minutes 2022 (collated), Centennial, 2022.

## Narrow Swamp – Erosion

- 18<sup>th</sup> May 2022 – contractors undertaking annual photo monitoring surveys identified erosion in Narrow Swamp.
- Reported on the 25<sup>th</sup> May 2022 to:
  - The Department of Planning (DPE)
  - The Environment Protection Authority
  - The NSW Resources Regulator
  - National Parks and Wildlife Services
  - The Forestry Corporation NSW (FCNSW).
- 18<sup>th</sup> July – Regulator Inspection
- Investigation ongoing



143. We are instructed by LEG that in its view both of the above incidents demonstrate that ongoing damage to endangered swamps, waterways, and cliff lines will continue to occur after mine closure.
144. Further, we are instructed that on 11 June 2018, LEG volunteers noticed the Pollution Control Dam adjacent Angus Place Colliery was heavily contaminated with solcenic oils. This dam is only 500 metres from the Coxs River, and there may have been a risk that the oil contaminated the Coxs River and Sydney drinking water supply.
145. After LEG reported this to the EPA, the Solcenic oil was pumped into a truck and taken away to be dumped down Angus Place underground workings, along with brine waste from the temporary 2018 Reverse Osmosis (RO) plant. This is the same minewater that Angus Place MOD 5 & 8 propose to dump into Wangcol Creek.
146. We are instructed by LEG that in its view, legacy pollution issues will continue to accumulate if MOD9 is approved in its current form.



147. LEG are concerned that Mod 9 extends the consent for Angus Place Colliery in an environment where further incidents of environmental harm are likely to occur and are at risk of going unreported in light of Centennial's history.

The number of non-compliance incidents across the Centennial mines in the Lithgow region

148. LEG completed an audit of Angus Place Colliery EPL467 and instructs it found 139 instances of licence non-compliances over the past 23 years (see **Annexure B**).<sup>51</sup> Across all Centennial mines in the Lithgow region there have been many POEO Licence non-compliances, numerous Enforceable Undertakings, Penalty Notices, Pollution Reduction Notices, Prevention Notices, and Clean-up Notices. LEG instructs based on its own investigation that:

- i. Angus Place Colliery – **139** non-compliances on EPL467 from 2000-2023;
- ii. Springvale Colliery – **1107** non-compliances on EPL3607 from 2000-2014 (+ many more since);
- iii. Clarence Colliery - **156** non-compliances EPL726 from 2000 to 2023;
- iv. Ivanhoe, Airly, Charbon, Lidsdale Coal Unloader – not calculated;
- v. Prevention Notice, 22 December 2023: EPA issued Clarence Colliery with a Prevention Notice after EPA officers sighted turbid water discharging from the Premises via the Main Dam and into Wollangambe River. The EPA also suspected there was a build-up of coal fines/coal material in the Polishing Lagoon, and Main Dam.

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<sup>51</sup> *Licence Summary No 467*, EPA, accessed on 5 August 2024:  
<https://app.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=467&id=467&option=licence&searchrange=licence&range=POEO+licence&prp=no&status=Issued>



- vi. Enforceable Undertaking: In 2022 Centennial breached its Development Consent for Airly Mine, causing major irreversible fractures in the Mugii Murum-ban State Conservation Area. The Department of Planning and Environment imposed a \$150,000 Enforceable Undertaking on Centennial. The company has since mined outside its approved area, which is a Class 1 reportable offence under the NSW EP&A Act.
- vii. Enforceable Undertaking: 2 November 2021 - two workers at Clarence Colliery suffered serious injuries including multiple spinal fractures when struck by falling roof material.
- viii. Prosecution 2017 - EPA prosecuted Centennial after coal Reject Emplacement Area 3 at Clarence Colliery spilled 2,330 tonnes of coal-fines into the Wollangambe River and caused damage within the Greater Blue Mountains World Heritage Area. Centennial were fined over \$1 million.
- ix. In 2015 Centennial was fined \$15,000 when toxic coal sludge was illegally discharged from Springvale Colliery sediment storage ponds into downstream wetlands.
- x. Penalty Notice 3085772169, 30 May 2013 – Springvale Colliery EPL3607 - Contravene of Part 5 pt 7 of the Protection of the Environment Operations Act 1997 – Corporation
- xi. Penalty Notice 3085772178, 30 May 2013 – Springvale Colliery EPL3607 - Contravene any condition of licence - not noise - corporation
- xii. Penalty Notice, 26 March 2012. Clarence Colliery breached its manganese limit because the treatment plant was unable to cope with increased minewater inflow. The mine was fined \$1500.
- xiii. Enforceable Undertaking: In 2011 Centennial Angus Place and Springvale Mines acknowledged that the Federal Environment Minister considered its mining operations had significantly impacted upon Temperate Highland Peat Swamps on Sandstone (Narrow Swamp, East Wollan Swamp, Junction Swamp) and entered into a \$1.45 million Enforceable Undertaking under s486DA of the EPBC Act. These swamps have not recovered.
- xiv. 2 February 2010 - Angus Place Colliery was convicted and fined \$288,000 plus costs in the Industrial Court of NSW after a fatality at the mine. <https://www.caselaw.nsw.gov.au/decision/549f77c83004262463a89ccf>
- xv. 30 November 2007 - Clarence Coal P/L and Centennial Coal Company Ltd were each fined \$80,000 under the OH&S Act after a worker received serious injuries resulting in paraplegia on 12 July 2004.

- xvi. November 2004 - EPA issued Clarence Colliery with a Penalty Notice and \$1500 fine for breaching the filterable manganese limit of EPL726 on 18 October 2004.
- xvii. 1981 - during construction of the main storage dam and polishing dam, Clarence Colliery was successfully prosecuted by the State Pollution Control Commission (SPCC) for failing to prevent water pollution of the Wollangambe River.

## 10 Conclusion

- 149. In summary, Mod 9 in its current form is a flawed and legally risky proposal due to the multiple and serious failures to comply with the EP&A Act.
- 150. Firstly, there were failures to comply with procedural requirements under the EP&A Act such as:
  - i. the modification was not exhibited on the IPC website as soon as practicable, and
  - ii. the modification was not exhibited for the mandatory minimum 14 days.
- 151. Secondly, Centennial have failed to comply with the EP&A in pursuit of this modification as:
  - i. the proposal does not meet the criteria as having minimal environmental impact,
  - ii. the proposal clarifies that Centennial will not meet its rehabilitation and mine closure obligations mandated under the existing consents,
  - iii. the proposal is incompatible with the energy and resources environmental planning instrument due to the ongoing and unnecessary impacts on water resources and inefficient resource recovery,
  - iv. the proposal enables Centennial to cause further and avoidable environmental impacts by delaying decommissioning and rehabilitation, and
  - v. the modification is not in the public interest as the description of the proposal obscures Centennial actual plans to continue to operate Angus Place as a care and maintenance project rather than for the purpose of decommissioning and rehabilitation.
- 152. LEG has also raised concerns about Centennial's history of poor compliance with coal mining projects in Lithgow and their legacy of chronic underreporting of environmental incidents.
- 153. Additionally, due to the misleading presentation of information in Centennial's Mod 9 proposal, Centennial may also be at risk of breaches under s 10.6 EP&A Act for misleading information in connection with a planning matter.
- 154. In failing to refer Mod 9 as a controlled action, Centennial may also be in breach of the EPBC Act.

155. The Department of Planning, Housing and Infrastructure and the NSW Resource Regulator ought to seriously consider civil enforcement options for the failure to commence mine closure plans and rehabilitation now that there is clarity that the first and second workings will cease on 18 August 2024. There is no mechanism under the EP&A Act that permits a developer to delay decommissioning and rehabilitation due to ambitions to continue mining in another project which is in draft form.
156. Centennial ought to withdraw Mod 9 and re-submit a proposal that complies with the EP&A Act and other relevant laws including the EPBC Act.
157. Failing that, the Mod 9 proposal in its current form is wholly unworkable and it must be refused by the IPC.
158. Finally, we note that the existing development consents lapses on 18 August 2024. If there is no approved modification that extends the development consents after 18 August 2024, then in our view, all operations at Angus Place in pursuit of MP06\_0021 will be in breach of the EP&A Act from 19 August 2024.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michaela Vaughan', with a stylized, cursive script.

Michaela Vaughan  
**Senior Lawyer**



## Annexure A – Ongoing obligations under MP06\_0021<sup>52</sup>

Source	Obligation
Schedule 2.1	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.
Schedule 2.2	The Applicant must carry out the project: (a) generally in accordance with the EA; and (b) in accordance with the conditions of this approval;
Schedule 2.4	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
Schedule 2.9	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.
Schedule 2.10	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.
Schedule 2.14	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
Schedule 3.2	<p>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.</p> <p><i>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.</i></p>
Schedule 3.3	<p>Performance Measures – Natural and Heritage Features, etc</p> <p>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.</p>

<sup>52</sup> MP06\_0021 consolidated consent, Angus Place Coal mine. Accessible here: [Angus Place Coal Mine | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning/angus-place-coal-mine)

	<p><b>Table 1A: Subsidence Impact Performance Measures</b></p> <table> <tr> <td colspan="2"><b>Water</b></td></tr> <tr> <td>Natural watercourses.</td><td>No greater environmental consequences than predicted in EA – Mod 1.</td></tr> <tr> <td colspan="2"><b>Biodiversity</b></td></tr> <tr> <td>Threatened species, populations or their habitats; endangered ecological communities, including Newnes Plateau Shrub Swamps.</td><td>Negligible environmental consequences.</td></tr> <tr> <td colspan="2"><b>Land</b></td></tr> <tr> <td>Cliffs and pagodas.</td><td>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).</td></tr> <tr> <td>NSW National Parks and Wildlife Service land.</td><td>As specified or agreed by NSW National Parks and Wildlife Service</td></tr> <tr> <td colspan="2"><b>Aboriginal heritage features</b></td></tr> <tr> <td>Sites that may be determined to hold "special significance" as a result of studies required for extraction plans.</td><td>Negligible subsidence impacts or environmental consequences.</td></tr> <tr> <td>Other Aboriginal heritage sites</td><td>Less than 10% of Aboriginal heritage sites within any longwall mining domain are affected by subsidence impacts.</td></tr> </table> <p><i>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.</i></p>	<b>Water</b>		Natural watercourses.	No greater environmental consequences than predicted in EA – Mod 1.	<b>Biodiversity</b>		Threatened species, populations or their habitats; endangered ecological communities, including Newnes Plateau Shrub Swamps.	Negligible environmental consequences.	<b>Land</b>		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	<b>Aboriginal heritage features</b>		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.
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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.																				
Schedule 3.3A	<p>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.</p> <p><b>Table 1B: Subsidence Impact Performance Measures</b></p> <table> <tr> <td colspan="2"><b>Built features</b></td></tr> <tr> <td>66 kV transmission line.</td><td>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.</td></tr> <tr> <td>Other built features, including powerlines, NSW National Parks and Wildlife Service access roads and tracks, water pipelines and other public infrastructure.</td><td>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.</td></tr> <tr> <td colspan="2"><b>Public safety</b></td></tr> <tr> <td>Public safety</td><td>No additional risk.</td></tr> </table> <p><i>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.</i></p>	<b>Built features</b>		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.	<b>Public safety</b>		Public safety	No additional risk.										
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<b>Public safety</b>																					
Public safety	No additional risk.																				
Schedule 3.3B	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.																				
Schedule 3.5	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.												
Schedule 3.6	<p>Discharge limits</p> <p>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:</p> <p><i>Table 2: Discharge Limits</i></p> <table><tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th></tr><tr><td>pH</td><td>pH</td><td>6.5 ≤ pH ≤ 8.5</td></tr><tr><td>Non-filterable residue</td><td>mg/litre</td><td>NFR ≤ 30</td></tr><tr><td>Oil and Grease</td><td>mg/litre</td><td>10</td></tr></table> <p><i>Note: This condition does not authorise the pollution of waters by any other pollutants.</i></p>	Pollutant	Units of measure	100 percentile concentration limit	pH	pH	6.5 ≤ pH ≤ 8.5	Non-filterable residue	mg/litre	NFR ≤ 30	Oil and Grease	mg/litre	10
Pollutant	Units of measure	100 percentile concentration limit											
pH	pH	6.5 ≤ pH ≤ 8.5											
Non-filterable residue	mg/litre	NFR ≤ 30											
Oil and Grease	mg/litre	10											
Schedule 3.6A	<p>Water Performance Measures</p> <p>The Applicant must ensure that water discharges from Licensed Discharge Point 001 comply with the performance measures in Table 2A:</p> <p><i>Table 2A: Discharge Volume and Salinity Limit</i></p> <table><tr><th>Performance Measure</th><th>Unit of measure</th><th>Limit</th></tr><tr><td>Discharge volume until 31/12/2019</td><td>ML/day</td><td>10</td></tr><tr><td>Discharge volume after 31/12/2019</td><td>ML/day</td><td>0</td></tr><tr><td>Electrical Conductivity</td><td>µS/cm</td><td>350 (100th percentile)</td></tr></table>	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)
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)											
Schedule 3.7	<p>Water Resource Impacts</p> <p>The Applicant must ensure that the project does not result in any significant: (a) reduction in pumping yield in privately-owned groundwater bores; (b) reduction in surface flows and groundwater baseflow to upland swamps (Newnes Plateau Shrub Swamps) and wetlands; and (c) 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.</p> <p><i>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.</i></p>												
Schedule 3.8	<p>Site Water Management Plan</p> <p>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:</p> <p>(a) a Water Balance;</p> <p>(b) an Erosion and Sediment Control Plan;</p>												

	<p>(c) a Surface Water Monitoring Program;</p> <p>(d) a Ground Water Monitoring Program;</p> <p>(e) a Surface and Ground Water Response Plan;</p> <p>(f) a Trigger Action Response Plan for gully erosion and scouring in Kangaroo Creek and Long Swamp downstream of LDP001;</p> <p>(g) a Water Transfer Pipeline Monitoring Program for managing, monitoring and responding to leaks and spills from the water transfer pipeline; and</p> <p>(h) a strategy for decommissioning water management structures on the site.</p>
Schedule 3.9	<p>The Water Balance must:</p> <p>(a) 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</p> <p>(b) provide for the annual re-calculation of the water balance and its reporting in the Annual Review</p>
Schedule 3.10	<p>The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</p> <p>(d) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to maintain the structures over time</p>
Schedule 3.11	<p>The Surface Water Monitoring Program must include:</p> <p>(a) detailed baseline data on surface water flows (including ground water baseflows) and quality in waterbodies and wetlands above the mine;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor surface water flows (including ground water baseflows) and quality;</p> <p>(d) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and</p>

	(e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
Schedule 3.11A	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 / Cocks 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.
Schedule 3.11B	<p>By 31 October 2012, the Applicant must report on this program of investigations and propose:</p> <p>(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 WaterNSW's "neutral or beneficial impact" test;</p> <p>(b) measures to treat, transfer or re-use any groundwater (minewater) that does not meet these criteria; and</p> <p>(c) a timeline to implement these measures, to the satisfaction of the Secretary.</p>
Schedule 3.12	<p>The Ground Water Monitoring Program must include:</p> <p>(a) detailed baseline data on ground water levels and quality, based on statistical analysis;</p> <p>(b) ground water impact assessment criteria;</p> <p>(c) a program to monitor the volume and quality of ground water seeping into the underground mine workings;</p> <p>(d) a program to monitor regional ground water levels and quality; and</p> <p>(e) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.</p>
Schedule 3.13	<p>The Surface and Ground Water Response Plan must include:</p> <p>(a) 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</p> <p>(b) measures to mitigate, remediate and/or compensate any identified impacts.</p>
Schedule 3.13A	<p>The Trigger Action Response Plan for Kangaroo Creek and Long Swamp must include:</p> <p>(a) objectives and performance criteria for erosion and scouring in Kangaroo Creek and Long Swamp downstream of LDP001;</p>

	<p>(b) appropriate and measurable triggers to warn of increased risk of gully erosion or scouring;</p> <p>(c) actions to respond to the increased risk of exceedance of the triggers; and</p> <p>(d) an assessment of remediation measures that may be implemented if exceedances occur and the capacity to implement the measures.</p>																							
Schedule 3.13B	<p>Transfer of water to Mount Piper Power Station</p> <p>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.</p>																							
Schedule 3.14	<p>Air Quality</p> <p>Impact Assessment Criteria</p> <p>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.</p> <p><i>Table 3: Long term impact assessment criteria for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m³</td></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>Annual</td><td>25 µg/m³</td></tr></table> <p><i>Table 4: Short term impact assessment criterion for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>24 hour</td><td>50 µg/m³</td></tr></table> <p><i>Table 5: Long term impact assessment criteria for deposited dust</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>Deposited dust</td><td>Annual</td><td>2 g/m²/month</td><td>4 g/m²/month</td></tr></table> <p><i>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.</i></p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m³	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	25 µg/m³	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m²/month	4 g/m²/month
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Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m³																						
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																					
Deposited dust	Annual	2 g/m²/month	4 g/m²/month																					
Schedule 3.15	<p>Odour</p> <p>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.</p>																							
Schedule 3.16	<p>Air Quality Monitoring Program</p> <p>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.</p>																							

Schedule 3.17	<div>NOISE Impact Assessment Criteria</div> <div>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) LAeq(15 minute)</div> <div><div>Table 6: Noise impact assessment criteria dB(A) LAeq(15 minute)</div><table><tr><th>Land</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><td>Sharpe</td><td>42</td><td>38</td><td>36</td></tr><tr><td>Mason (West) and other Wolgan Road rural properties</td><td>41</td><td>37</td><td>35</td></tr><tr><td>Lidsdale village residents</td><td>44</td><td>40</td><td>35</td></tr></table></div> <div><div>Notes: a) For more information on the references to land in this condition, see 'Property Details' figure of the EA.</div><div>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.</div><div>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 LAeq(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.</div><div>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</div></div>	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
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														
Schedule 3.18	<div>Land Acquisition Criteria</div> <div>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.</div> <div><div>Table 7: Land acquisition criteria dB(A) LAeq(15 minute)</div><table><tr><th>Land</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><td>Sharpe, Mason (West) and other Wolgan Road rural properties</td><td>44</td><td>40</td><td>40</td></tr><tr><td>Lidsdale village residents</td><td>47</td><td>43</td><td>43</td></tr></table></div> <div>Note: The notes under Table 6 also apply to Table 7.</div>	Land	Day	Evening	Night	Sharpe, Mason (West) and other Wolgan Road rural properties	44	40	40	Lidsdale village residents	47	43	43				
Land	Day	Evening	Night														
Sharpe, Mason (West) and other Wolgan Road rural properties	44	40	40														
Lidsdale village residents	47	43	43														
Schedule 3.19	Operating Hours – Wallerawang Power Station Haul Road																

	<p>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.</p>			
Schedule 3.20	<p>Additional Noise Mitigation Measures</p> <p>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.</p> <p><i>Table 8: Land subject to additional noise mitigation</i></p> <table><tr><td>Property</td></tr><tr><td>Mason (east)</td></tr><tr><td>Sharpe</td></tr></table>	Property	Mason (east)	Sharpe
Property				
Mason (east)				
Sharpe				
Schedule 3.21	<p>Continuous improvement</p> <p>The Applicant must: (a) implement all reasonable and feasible best practice noise mitigation measures; (b) investigate ways to reduce the noise generated by the project, including noise generated from use of the Wallerawang power station haul road; and (c) report on these investigations and the implementation and effectiveness of these measures in the Annual Review, to the satisfaction of the Secretary.</p>			
Schedule 3.22	<p>Noise Monitoring Program</p> <p>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.</p>			
Schedule 3.23	<p>METEOROLOGICAL MONITORING</p> <p>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.</p>			
Schedule 3.24	<p>FAUNA AND FLORA Flora and Fauna Management Plan</p> <p>The Applicant must prepare (and following approval implement) a Flora and Fauna Management Plan for the project, to the satisfaction of the Secretary.</p>			



	<p>The Plan must be submitted to the Secretary within 12 months of the date of this approval. The Plan must include:</p> <p>(a) baseline data of the existing habitat on site;</p> <p>(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;</p> <p>(c) a flora and fauna monitoring program; and</p> <p>(d) procedures for monitoring, reviewing, and implementing the plan.</p>
Schedule 3.24A	<p>Persoonia hindii Management and Research Program</p> <p>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).</p>
Schedule 3.24B	<p>Mod – 2 Vegetation Offsets</p> <p>By the end of December 2016, the Applicant must, to the satisfaction of the Secretary:</p> <p>(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</p>

	<p>(b) make suitable arrangements to manage, protect and provide long-term security for this area, consistent with the relevant NSW Offsets policy.</p> <p>In determining a suitable residual offset, the Secretary will have regard to the outcomes of the <i>Persoonia hindii</i> Management and Research Program, particularly the success of translocation and/or regeneration, and the Applicant's success in implementing the Rehabilitation Strategy.</p>
Schedule 3.25	<p><b>TRAFFIC AND TRANSPORT</b> Transport of Coal</p> <p>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.</p>
Schedule 3.26	<p>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.</p>
Schedule 3.28	<p>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.</p>
Schedule 3.29	<p><b>VISUAL IMPACT</b> Haul Road Landscaping</p> <p>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.  <i>Note: The Landscaping Plan should focus on those areas of the haul road that are visible from residential and other public areas.</i></p>
Schedule 3.30	<p><b>Lighting Emissions</b></p> <p>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.</p>
Schedule 3.31	<p><b>GREENHOUSE GAS</b></p> <p>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.</p>
Schedule 3.32	<p><b>WASTE MINIMISATION</b></p> <p>The Applicant must: (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development; (b) classify</p>

	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.
Schedule 3.33	<p><b>HAZARDS MANAGEMENT Spontaneous Combustion</b></p> <p>The Applicant must take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site.</p>
Schedule 3.34	<p><b>Dangerous Goods</b></p> <p>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.</p>
Schedule 3.34A	<p><b>Pre-commissioning of Water Softening Plant</b></p> <p>Prior to commissioning the Water Softening Plant, the Applicant must develop and implement:</p> <p>a) 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</p> <p>b) 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'.</p>
Schedule 3.34B	<p><b>Ongoing operation of Water Softening Plant</b></p> <p>The Applicant must store all chemicals, fuels and oils used on-site in accordance with: a) the requirements of all relevant Australian Standards; and b) 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.</p>
Schedule 3.35	<p><b>BUSHFIRE MANAGEMENT</b></p> <p>The Applicant must: (a) ensure that the project is suitably equipped to respond to any fires on-site; and (b) 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.</p>
Schedule 3.36	<p><b>MINE CLOSURE STRATEGY</b></p> <p>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:</p>

	<p>(a) define the objectives and criteria for mine closure;</p> <p>(b) investigate options for the future use of the site, including the pit top and surface facilities area;</p> <p>(c) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;</p> <p>(d) define a strategy for the ongoing management of water flow into the underground mine workings;</p> <p>(e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and</p> <p>(f) describe how the performance of these measures would be monitored over time.</p>
Schedule 3.36A	<p>REHABILITATION Progressive Rehabilitation</p> <p>The Applicant must rehabilitate the site as soon as reasonably practicable after the disturbance occurs.</p>
Schedule 3.36B	<p>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).</p>
Schedule 3.36C	<p>Rehabilitation Strategy</p> <p>The Applicant must prepare a Rehabilitation Strategy for the development, to the satisfaction of the Secretary. The Rehabilitation Strategy must:</p> <p>(a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with Resources Regulator, BCD, DPE Water, WaterNSW, NSW National Parks and Wildlife Service, Council and the CCC;</p> <p>(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;</p> <p>(d) describe the strategic rehabilitation outcomes for the site, including mine closure, final landform, post-mining land use/s and water management;</p> <p>(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;</p> <p>(f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;</p> <p>(g) include details of:</p>

	<p>(i) target vegetation communities and species to be established within the proposed revegetation areas;</p> <p>(ii) a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site and/or infrastructure; and</p> <p>(iii) stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes.</p> <p>(h) investigate opportunities to refine and improve the final landform over time.  <i>Note: The Rehabilitation Strategy must address all land impacted by the mine, whether prior to or following the date of this consent.</i></p>
Schedule 3.36D	The Applicant must implement the approved Rehabilitation Strategy.
Schedule 3.37	<p>Rehabilitation Management Plan</p> <p>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.</p>
Schedule 3.38	<p>Mod – 2 Ventilation Facilities</p> <p>The Applicant must prepare and implement a Construction Environmental Management Plan to the satisfaction of the Secretary. This Plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s;</p> <p>(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</p> <p>(c) identify environmental impacts and potential impacts of these activities and describe measures to mitigate and manage these impacts, including impacts associated with:</p> <p>- 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.</p>
Schedule 3.40	<p>CONSTRUCTION Water Transfer Pipeline Construction Environmental Management Plan</p> <p>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</p>

	<p>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.</p>
Schedule 4.1	<p><b>SCHEDULE 4 - ADDITIONAL PROCEDURES NOTIFICATION OF LANDOWNERS</b></p> <p>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.</p>
Schedule 4.2	<p><b>INDEPENDENT REVIEW</b></p> <p>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.</p>
Schedule 4.3	<p>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.</p>
Schedule 4.4	<p>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</p>

	<p>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.</p>
Schedule 4.5	<p>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:</p> <p>(a) take all practicable measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(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).</p>
Schedule 4.6	<p>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. If the matter cannot be resolved within 21 days, the Secretary shall refer the matter to an Independent Dispute Resolution Process.</p>
Schedule 4.7	<p><b>LAND ACQUISITION</b></p> <p>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:</p> <p>(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:</p> <ul style="list-style-type: none"> <li>• existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>• 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;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>• relocating within the Lithgow local government area, or to any other local government area determined by the Secretary;</li> <li>• obtaining legal</li> </ul>

	<p>advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and</p> <p>(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.</p> <p>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.</p> <p>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.</p>
Schedule 4.8	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.
Schedule 4.9	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.
Schedule 5.1	<p><b>SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING ENVIRONMENTAL MANAGEMENT</b> Environmental Management Strategy</p> <p>The Applicant must prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted for approval to the Secretary within 6 months of this approval;</p> <p>(b) provide the strategic framework for the environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(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</p> <p>(f) include: • copies of any strategies, plans and programs approved under the</p>



	conditions of this approval; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.
Schedule 5.2	<p>Management Plan Requirements</p> <p>The Applicant must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(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;</p> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the: • impacts and environmental performance of the project; • effectiveness of any management measures (see c above);</p> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(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</p> <p>(g) a protocol for periodic review of the plan.</p>
Schedule 5.3	<p>Annual Review</p> <p>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:</p> <p>(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;</p> <p>(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;</p> <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p>

	<p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>
Schedule 5.4	<p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of: (a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit under Condition 8 below; and</p> <p>(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.</p> <p><i>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</i></p>
Schedule 5.5	<p>Community Consultative Committee</p> <p>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.</p> <p><i>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.</i></p>
Schedule 5.6	<p>REPORTING Incident Reporting</p> <p>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.</p>
Schedule 5.7	<p>Regular Reporting</p> <p>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.</p>

Schedule 5.8	<p><b>INDEPENDENT ENVIRONMENTAL AUDIT</b></p> <p>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:</p> <p>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(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</p> <p>(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.</p> <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i></p>
Schedule 5.9	<p>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.</p>
Schedule 5.10	<p><b>ACCESS TO INFORMATION</b></p> <p>Prior to 31 December 2011, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• a complaints register, which is to be updated on a monthly basis;</li> <li>• minutes of CCC meetings;</li> <li>• the documents referred to in condition 2 of schedule 2;</li> <li>• all relevant statutory approvals for the project;</li> <li>• all approved strategies, plans and programs required under the conditions of this approval;</li> <li>• the annual reviews required under this approval;</li> <li>• any independent environmental audit of the project, and the Applicant's response to the recommendations in any audit;</li> <li>• any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the secretary.</p>

## Annexure B – Angus Place Colliery Licence No. 467 Non-compliances 2000 - 2023<sup>53</sup>

### 2023

Licence number: 467  
Annual Return Start: 01 Jan 2023  
Annual Return End: 31 Dec 2023  
Date Received: 29 Feb 2024

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 3 (LDP003)	EPA action determined as part of scheduled inspection program	1
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 16 (Wolgan River upstream)	EPA action determined as part of scheduled inspection program	1
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 17 (Wolgan River Downstream)	EPA action determined as part of scheduled inspection program	4
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 18 (Bore AP1801DP)	EPA action determined as part of scheduled inspection program	3
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 2 (LDP002)	EPA action determined as part of scheduled inspection program	1
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 (Oil and Grease) at EPL Point 16 (Wolgan River upstream)	EPA action determined as part of scheduled inspection program	1
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 18 (Bore AP1801DP)	EPA action determined as part of scheduled inspection program	4
M2.3 - Water and/or	Failure to monitor in accordance with M2.3 at EPL Point 18 (Bore AP1801DP)	EPA action determined as part of scheduled inspection program	2

### 2022

Licence number: 467  
Annual Return Start: 01 Jan 2022  
Annual Return End: 31 Dec 2022

<sup>53</sup> Licence Summary No 467, EPA. Accessed on 5 August 2024:  
<https://app.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=467&id=467&option=licence&searchrange=licence&range=POEO+licence&prp=no&status=Issued>

Date Received: 01 Mar 2023

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L2.1	Unauthorised discharge of LDP003	EPA action determined as part 1 of scheduled inspection program	1
M2.3	Failure to monitor in accordance with M2.3 at EPL Point 16.	EPA action determined as part 3 of scheduled inspection program	3
M2.3	Failure to monitor in accordance with M2.3 at EPL Point 17.	EPA action determined as part 4 of scheduled inspection program	4
M2.3	Failure to monitor in accordance with M2.3 at EPL Point 18	EPA action determined as part 10 of scheduled inspection program	10
M2.3	Failure to monitor in accordance with M2.3 at EPL Point 18.	EPA action determined as part 2 of scheduled inspection program	2
M2.3	Failure to monitor in accordance with M2.3 at LDP003.	EPA action determined as part 1 of scheduled inspection program	1

## 2021

Licence number: 467  
 Annual Return Start: 01 Jan 2021  
 Annual Return End: 31 Dec 2021  
 Date Received: 28 Feb 2022

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
O5.4	Transfer pump between South dam and Shaft Control Water (8ML) dam did not have the capacity to keep up with water inflow from rainfall event resulting in unlicensed discharge.	Appropriate Action taken by licensee	1
M2.3	Insufficient samples amount from monitoring bore to conduct full analysis at point 18.	EPA to monitor future compliance with this condition	7

## 2020

Licence number: 467  
 Annual Return Start: 19 Jun 2020

Annual Return  
End: 31 Dec 2020  
Date Received: 01 Mar 2021

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
M2.3	Due to insufficient sample, oil and grease was unable to be sampled from MP19 in December.	Appropriate Action taken by licensee	1
L2.6, dot point 2	TSS above limit of 30 mg/L but under NTU of 40 at time of discharge was not reported to EPA within 3 days.	EPA to monitor future compliance with this condition	1
M2.3	Weather conditions and safety issues prevented sampling	EPA to monitor future compliance with this condition	2
P1.3	On 28th July, a dam at Angus Place East ventilation facility overflowed into the State Forest due to heavy rainfall	Appropriate Action taken by licensee	1
M2.3	No Sample taken at MP18 hydrosleeve missing off the end of rope	Appropriate Action taken by licensee	1

## 2019

Licence number: 467  
Annual Return Start: 01 Jan 2019  
Annual Return End: 31 Dec 2019  
Date Received: 16 Jan 2020

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
M2.3	Monthly Sample could not be taken at Point 17 of EPL 467 due dry sample point	EPA to monitor future compliance with this condition	1
M2.3	Monthly sample not able to be taken at Point 18 of EPL 467 due to third party action	Appropriate Action taken by licensee	1
M2.3	Bushfire threat meant monthly samples could not be taken at Points 16, 17 and 18 of EPL 467	EPA to monitor future compliance with this condition	1
L2.4	pH reading at LDP001 of 6.2 against the lower limit of 6.5. Reverse osmosis plant has since been decommissioned following cessation of discharges	Appropriate Action taken by licensee	1
M2.3	Point 17 of EPL 467 - Total Alkalinity of sample was unable to be measured due to loss of sample during transit	EPA to monitor future compliance with this condition	1

## 2018

Licence number: 467  
 Annual Return Start: 01 Jan 2018  
 Annual Return End: 31 Dec 2018  
 Date Received: 22 Feb 2019

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L2.1	Dissolved Zinc exceedance at LDP001 on one occasion	EPA to monitor future compliance with this condition	1

## 2017

Licence number: 467

Annual Return  
Start: 01 Jan 2017  
Annual Return  
End: 31 Dec 2017  
Date Received: 14 Mar 2018

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
M2.3	Failure to collect monthly required discharge sample from LDP001 during discharge.	Appropriate Action taken by licensee	1
M2.2	Failure to collect 2 x dust gauge samples during annual reporting period from monitoring point 7 and 11.	Appropriate Action taken by licensee	1



## 2016

Licence number: 467  
Annual Return Start: 01 Jan 2017  
Annual Return End: 31 Dec 2017  
Date Received: 14 Mar 2018

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
M2.3	Failure to collect monthly required discharge sample from LDP001 during discharge.	Appropriate Action taken by licensee	1
M2.2	Failure to collect 2 x dust gauge samples during annual reporting period from monitoring point 7 and 11.	Appropriate Action taken by licensee	1

## 2015

Licence number: 467  
Annual Return Start: 01 Jan 2015  
Annual Return End: 31 Dec 2015  
Date Received: 01 Mar 2016

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
O2.1	Ferric chloride was spilt from bore 940 surface pipe work during a maintenance outage.	Appropriate Action taken by licensee	1
L3.1	LDP001 volume exceeded daily limit.	Appropriate Action taken by licensee	1

## 2014

Licence number: 467  
 Annual Return Start: 01 Jan 2014  
 Annual Return End: 31 Dec 2014  
 Date Received: 02 Mar 2015

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L2.4	TSS & pH over limit due to rainfall event causing runoff to LDP002 from local catchment. Water came from overland flow from surrounding grazed area. Investigation to improve diversion of rainfall runoff away from LDP. Channel upgrade completed 2014.	Appropriate Action taken by licensee	1
L3.1	Volume/Mass over limit due to various rainfall events. Notified EPA after 1st event & relocated flow rate monitoring to measure extraction rate to surface. Enabled ability to differentiate volume of groundwater & surface water through weir.	Appropriate Action taken by licensee	1
M2.3	Failure to sample monthly during discharge @ LDP002. No water was by-washing or being pumped from dams @ time however rainfall event contributed to runoff from local catchment. Remote monitoring is being installed.	Appropriate Action taken by licensee	1

## 2013

Licence number: 467  
 Annual Return Start: 01 Jan 2013  
 Annual Return End: 31 Dec 2013  
 Date Received: 21 Feb 2014

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L1.1	Failure of sediment basin wall at Kerosene Vale. Immediately notified EPA Environment Line. EPA attended promptly. The dam wall has subsequently been reconstructed at the site.	EPA has written to licensee regarding non-compliance and relevant action	1

## 2012

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L2.1	Total suspended solids limit exceeded at two locations. Non-compliances resulted from a heavy rainfall event in March 2012.	S.58 notice being negotiated to change licence conditions(s)	2

## 2011

<u>Licence Condition number</u>	<u>Type of non-compliance</u>	<u>EPA actions</u>	<u>No. of times occurred</u>
L2.1	Limits for Total Suspended Solids exceeded at LDP1 (once), LDP2 (3 times) and LDP3 (twice) due to various reasons. Various action taken to prevent recurrence.	Appropriate Action taken by licensee	6
L2.2	90% concentration limit for pH and Total Suspended Solids exceeded at points LDP2 and LDP3 respectively. Various actions taken to prevent recurrence.	Appropriate Action taken by licensee	1
L6.1	Noise emissions above the evening criteria at receptors due to unusually high engine noise from trucks and weather conditions. Consultant engaged to assess noise reduction strategies.	Appropriate Action taken by licensee	2
M7.1	Volumetric sewerage monitoring at Point 5 was undertaken at the incorrect frequency due to equipment recording a cumulative flow rate. The flow monitoring program has been updated to allow weekly readings.	Appropriate Action taken by licensee	1

## 2010

**Licence number:** 467

**Annual Return Start:** 01 Jan 10

**Annual Return End:** 31 Dec 10

**Date Received:** 02 Mar 11

Licence Condition number	Type of non-compliance	No. of incidents
L3.1	Exceeded total suspended solids discharge limit at LDP2 (x6) & LDP3 (x7). and minor exceedance of pH limit at LDP2. Licensee report due to heavy rainfall events throughout the year. Commiissioned dosing plant in Jan 2011 to ensure future compliance.	1
L6.1	Noise emissions associated with truck movement along the Wallerawang private haul road exceeded evening criteria at 3 receptors on the 7/9/10. No complaints were received. Protocols were put in place to limit the number of trucks on road.	1
M6.1	Licensee monitored on an annual rather than weekly basis the volume of effluent irrigated on application area. Licensee was able to calculate average weekly volumes No environmental harm resulted from non-compliance.	1

**2009**

**Licence number:** 467

**Annual Return Start:** 01 Jan 09

**Annual Return End:** 31 Dec 09

**Date Received:** 02 Mar 10

Licence Condition number	Type of non-compliance	No. of incidents
A2.1	Minor exceedance of total coal mined during the 2009 reporting period due to the cyclical nature of longwall mining (3.69 Mtpa mined versus a licence scale limit of 3.5 Mtpa). No environmental impact.	1
L3.1	Total suspended solids exceeded at LDP001 (x 3 - minor exceedances), LDP2 (x 2 - maximum of 111 mg/L ) & LDP3 (x 1 at 320 mg/L).	1
M2.1	Failure to monitor surface water discharges at LDP3 on three occasions due to short duration of rain event and resultant discharge., and data logger not fitted with telemetry function to warn licensee of impending overflow.	1
M2.1	PM10 and TSP sampling not collected to time frame due to misinterpretation of licence condition. Measurements were collected over a 24 hour range rather than 6 day. Since corrected by licensee	1
M6.1	The volume of liquids discharged to water was not monitored for 24 days due to datalogger failure at LDP002. Temporary flow meter with data logger installed until New Monitoring Station complete.	1
O1.1	Pumping to the utilisation area from the sewage oxidation lagoons has not been carried out due to failure of the pumping system. Resulted in minor overflows at times of heavy rain.	1

**2008****Licence number:** 467**Annual Return Start:** 01 Jan 08**Annual Return End:** 31 Dec 08**Date Received:** 02 Mar 09

Licence Condition number	Type of non-compliance	No. of incidents
L3.1	Minor exceedance of discharge concentration limits for Total Suspended Solids at LDP01, LDP02 & LDP03, and Oil & Grease at LDP02.	4
L6.1	Exceedance of evening noise limits at two residences	1
M2.1	TSP and PM10 high volume dust sampling not carried out until December 2008 due to difficulties in obtaining necessary equipment.	1
O1.1	Pumping to utilisation area from the sewage oxidation lagoons was not carried out resulting in minor overflows from pond on occasion following heavy rain.	1

**2007**



**Licence number:** 467

**Annual Return Start:** 01 Jan 07

**Annual Return End:** 31 Dec 07

**Date Received:** 29 Feb 08

Licence Condition number	Type of non-compliance	No. of incidents
L3.1	Minor exceedance of pH and TSS limits during the reporting period	6
M2.1	Failed to undertake TSP and PM10 high volume dust sampling as required by licence (point 15).	10
O1.1	pumping to the utilisation area from the sewage oxidation lagoons has not been carried out due to failure of the pumping system	1
R2.2	TSS and PH levels exceeded and were not reported to DECC within specified time frames	6

## 2006

**Licence number:** 467

**Annual Return Start:** 01 Jan 06

**Annual Return End:** 31 Dec 06

**Date Received:** 19 Feb 07

Licence Condition No.	Type of non-compliance	No. of incidents
L3.1	Multiple exceedances of pH and TSS at licensed Discharge Point 1	7

## 2005

**Licence number:** 467

**Annual Return Start:** 01 Jan 05

**Annual Return End:** 31 Dec 05

**Date Received:** 27 Feb 06

Licence Condition No.	Type of non-compliance	No. of incidents
L3.1	Exceedance of pH 8.5 for LD001 Exceedance of TSS 30mg/L for 5 LD001	5

## 2004

**Licence number:** 467

**Annual Return Start:** 01 Jan 04

**Annual Return End:** 31 Dec 04

**Date Received:** 23 Feb 05

Licence Condition No.	Type of non-compliance	No. of incidents
L3.1	pH limit exceeded at Point 1 in November 2004	1

## 2003

**Licence number:** 467

**Annual Return Start:** 01 Jan 03

**Annual Return End:** 31 Dec 03

**Date Received:** 24 Feb 04

Licence Condition No.	Type of non-compliance	No. of incidents
L3.1	Exceedence of licence concentration limit for Total Suspended Solids from LD2	<u>1</u>
M6.1	Technical non-compliance whereby datalogger experienced problems resulting in 3 days where flow monitoring was not recorded at LD1.	<u>1</u>

**2001**

**Licence number:** 467

**Annual Return Start:** 01 Jan 01

**Annual Return End:** 31 Dec 01

**Date Received:** 07 Feb 02

Licence Condition No.	Type of non-compliance	No. of incidents
2.1	Licensee failed to sample at the frequency at monitoring point 3, as required by licence.	<u>1</u>
3.1	Licensee exceeded concentration limit for TSS and pH as required by the licence	<u>1</u>
3.2	Licensee exceeded pH quality limit for monitoring point 2.	<u>1</u>

**2000**

**Licence number:** 467

**Annual Return Start:** 01 Jan 00

**Annual Return End:** 31 Dec 00

**Date Received:** 23 Feb 01

Licence Condition No.	Type of non-compliance	No. of incidents
L3	Exceedance of licence limit for TSS at discharge point 3.	<u>1</u>
M2	Monitoring not undertaken on monthly basis for Discharge Point 3 as required by licence due to the infrequent discharge from the point.	<u>1</u>

**Pollution studies and reduction program:** 9 August 2018 - Cease mine water discharge.

By 1 January 2020, the licensee is to cease all mine water discharge into the Coxs River.

**Pollution studies and reduction program:** 3 May 2018. Treatment of water discharged via LDP1.

Install a reverse osmosis water treatment system that will treat all mine water discharged at LDP1 to an electrical conductivity of 350 µS/cm prior to discharge via LDP1. The water treatment system should be installed by 31 August 2018.

Prior to commissioning of the reverse osmosis system, the license must prepare a monitoring program in consultation with the EPA, to monitor the EC levels in District 800 and in the Wolgan River.

### **Pollution Reduction Notice**

Notice Number 1124602

File Number LIC07/996

Date 09-May-2011

### **NOTICE OF VARIATION OF LICENCE NO. 467**

## BACKGROUND

A. CENTENNIAL SPRINGVALE PTY LIMITED (“the licensee”) is the holder of Environment Protection

Licence No. 467 (“the licence”) issued under the *Protection of the Environment Operations Act 1997*

(“the Act”). The licence authorises the carrying out of a Scheduled Activity - Premises Based at

WOLGAN ROAD, LIDSDALE, NSW.

B. Licence discharge point 1 (LDP1) discharges groundwater, sourced from the licensee's underground

workings, to Kangaroo Creek which in turn flows to the Coxs River. The Coxs River catchment is part

of the Sydney drinking water catchment.

C. The EPA is concerned with the elevated concentrations of salts being discharged from LDP1 to the

Coxs River catchment. An estimate has been made by the EPA that approximately 1,000 tonnes of

salt is deposited in to Kangaroo Creek a year based on average flow rates (provided by the licensee)

and salinity concentrations (measured by the EPA) at LDP1.

D. The EPA wrote to the licensee on 15 September 2010 requesting that a preferred salinity management

option be developed for the discharge from LDP1. The licensee responded on 29 October 2010 with the preferred option identified being the piping of waters from LDP1 to the Wallerawang Power Station.

Notice Number 1109300

File Number LIC07/996

Date 17-Feb-2010

## NOTICE OF VARIATION OF LICENCE NO. 467

### BACKGROUND

A. CENTENNIAL SPRINGVALE PTY LIMITED and SPRINGVALE SK KORES PTY LIMITED (“the

licensee”) are the holders of Environment Protection Licence No. 467 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of Scheduled Activity - Premises Based at WOLGAN ROAD, LIDSDALE, NSW

B. The EPA recently completed an investigation/assessment into sources, distribution and concentrations of contaminants in the Upper Coxs River catchment. These contaminants include heavy metals, salts and nutrients. Part of study included the sampling of surface waters at key locations within the catchment including Kangaroo Creek, downstream of licence discharge point 1.

C. Laboratory results for total dissolved solids from this location, in conjunction with average discharge rates over the previous four years, indicates that Angus Place mine is discharging approximately 1,000 tonnes of salt into the Coxs River every year.

D. In line with pollution reduction programs being required by other licensees within the Upper Coxs River catchment where high concentrations of contaminants in the discharge have been identified, the EPA is varying the licence to include licence condition U1 which requires the licensee to investigate and report on options for the reduction or removal of salt being discharged from point 1.