

Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission (the Commission) modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



Member of the Commission



Member of the Commission

Sydney 25 October 2012

SCHEDULE 1

Project approval 06_0311 granted by the Minister for Planning on 12 March 2008 for continuation of underground mining activities at the Mannering Colliery.

SCHEDULE 2

1. In the Definitions table delete the following entries and corresponding definitions:

AEMR
DECC
Department
Director-General
DPI
DWE
Mining operations
Minister
Privately-owned land
Reasonable and Feasible
RTA

2. In the "Definitions" table insert the following in alphabetical order:

Annual review	The review required by Condition 3 of Schedule 5
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; and any pipeline, water, sewer, telephone, gas or other service main
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department, or nominee
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services
EA (Mod 1)	Environmental Assessment titled <i>Mannering Colliery – Extension of Mine Project Section 75W Modification to Project Approval 06_0311</i> , as modified by the associated response to submissions dated 4 September 2012
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
First workings	Extraction of coal by bord and pillar workings and the like
Incident	A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this approval
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this approval where it is defined to mean the whole of a lot, or contiguous lots, owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Mining operations	Includes all extraction, processing, handling, storage and transportation of coal carried out on the site

Minister	Minister for Planning and Infrastructure, or delegate
Minor	Not very large, important or serious
Negligible	Small and unimportant, such as to be not worth considering
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage within the Department of Primary Industries
Privately-owned land	Land that is not owned by a public agency, Vales Point Power Station or a mining company (or its subsidiary)
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RMS	Roads and Maritime Services
Second workings	Extraction of coal by pillar extraction methods

3. Delete all references to "AEMR" and replace with "Annual Review".
4. Delete all references to "DECC" and replace with "EPA", except in condition 14 of schedule 3.
5. In condition 14 of schedule 3, delete "DECC" and replace with "OEH".
6. Delete all references to "DPI" and replace with "DRE".
7. Delete all references to "DWE" and replace with "NOW".
8. In condition 2 of schedule 2, delete all text after "EA;" (except the Notes) and insert the following:
 - (b) EA (Mod1);
 - (c) Revised Statement of Commitments (see Appendix 3); and
 - (d) conditions of this approval.
9. In condition 3 of schedule 2, delete "the inconsistency" where second-occurring, and replace with "any inconsistency."
10. Delete conditions 4 and 5 of schedule 3 and the heading "Subsidence Management Plan" and replace with:
 4. The Proponent shall limit its coal extraction methods on the site to first workings only, and shall not undertake second workings.
11. Delete condition 18 of schedule 3 and the preceding heading "ABORIGINAL HERITAGE" and replace with:

HERITAGE

Heritage Management Plan

18. The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. This Plan must:
 - (a) be prepared in consultation with any relevant Aboriginal stakeholders;
 - (b) be submitted, prior to 31 March 2013, for approval to the Director-General;
 - (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - (d) detail the responsibilities of all stakeholders; and
 - (e) include programs/procedures and management measures for:
 - dealing with previously unidentified Aboriginal objects (excluding human remains), including any need to halt works in the vicinity, assessment of significance, determination of appropriate mitigation measures (by a qualified archaeologist in consultation with Aboriginal stakeholders), re-commencement of works, notifying OEH, and registering the new site(s) in the OEH AHIMS register;
 - dealing with any human remains which may be discovered, including halting of works in the vicinity; notifying NSW Police, OEH, the Department and Aboriginal stakeholders; and not re-commencing any works in the vicinity unless authorised;
 - heritage induction for construction personnel (including procedures for keeping records of inductions);
 - ongoing Aboriginal consultation and involvement (including procedures for keeping records of this);
 - appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and
 - dealing with previously unidentified non-Aboriginal heritage items which may be discovered during the project.
12. In condition 21 of schedule 3, delete paragraph (c) and replace with:

- (c) prior to 30 June 2013, or as otherwise agreed by the Director-General, implement all works recommended in Table 4-1 of the Road Safety Audit (Parsons Brinckerhoff, 2008), in consultation with WSC, and to the satisfaction of the Director-General.

13. Delete all conditions of schedule 5 and replace with the following:

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall revise and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
 - (a) be submitted for approval to the Director-General prior to 30 June 2013;
 - (b) provide the strategic framework for the environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this approval; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (g) a protocol for periodic review of the plan.

Note: The Director-General may waive some of these requirements if they are unnecessary for particular management plans.

Annual Review

3. By the end of February 2013, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:
 - the relevant statutory requirements, limits or performance measures/criteria;

- requirements of any plan or program required under this approval;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA and EA (Mod 1);
- (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;
 - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

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

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

Community Consultative Committee

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

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Councils and the local community.*

REPORTING

Incident Reporting

6. The Proponent shall notify, at the earliest opportunity, the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incidents associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

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

INDEPENDENT ENVIRONMENTAL AUDIT

8. By the end of March 2013 and every three years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); and
 - (d) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

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

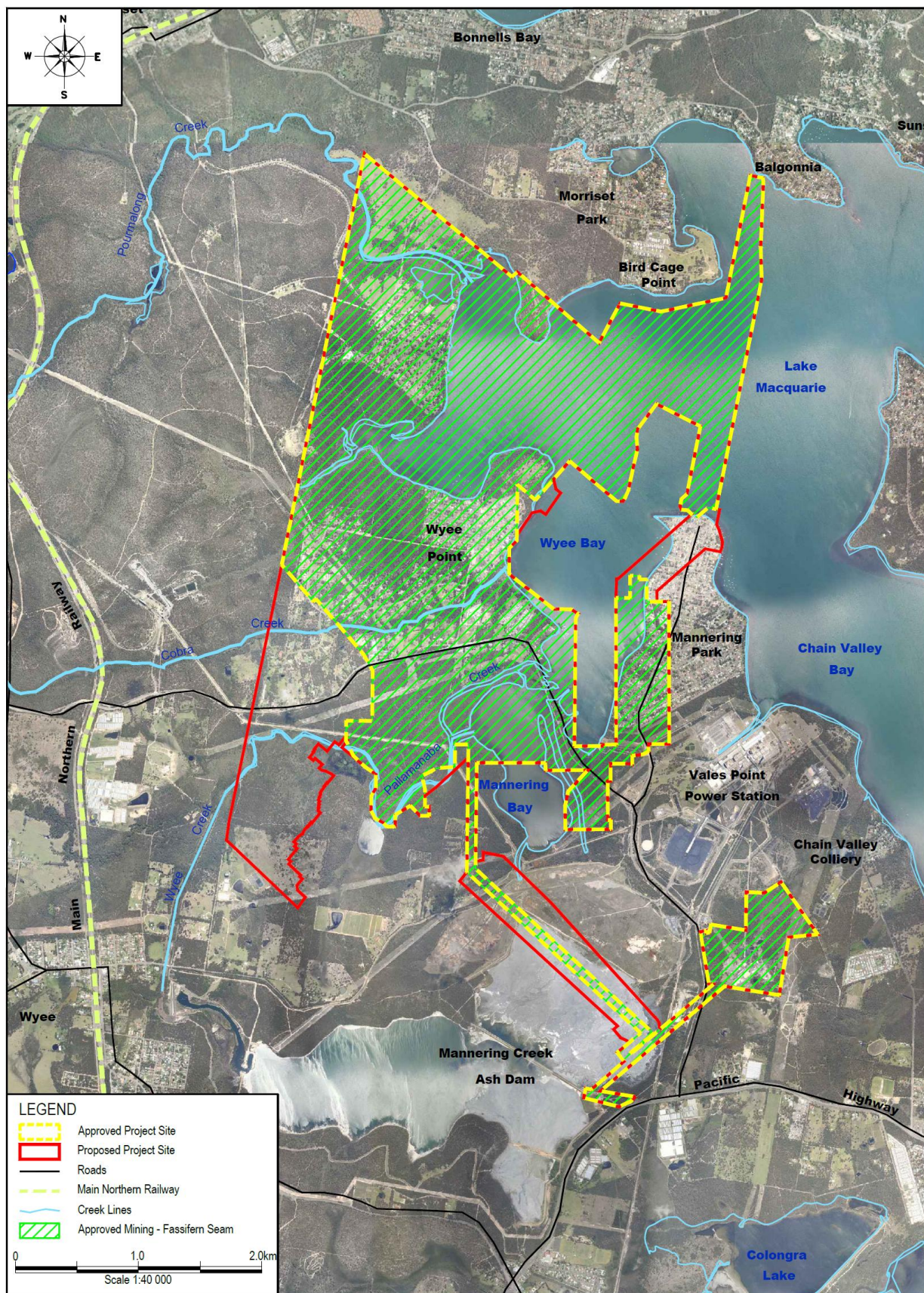
9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

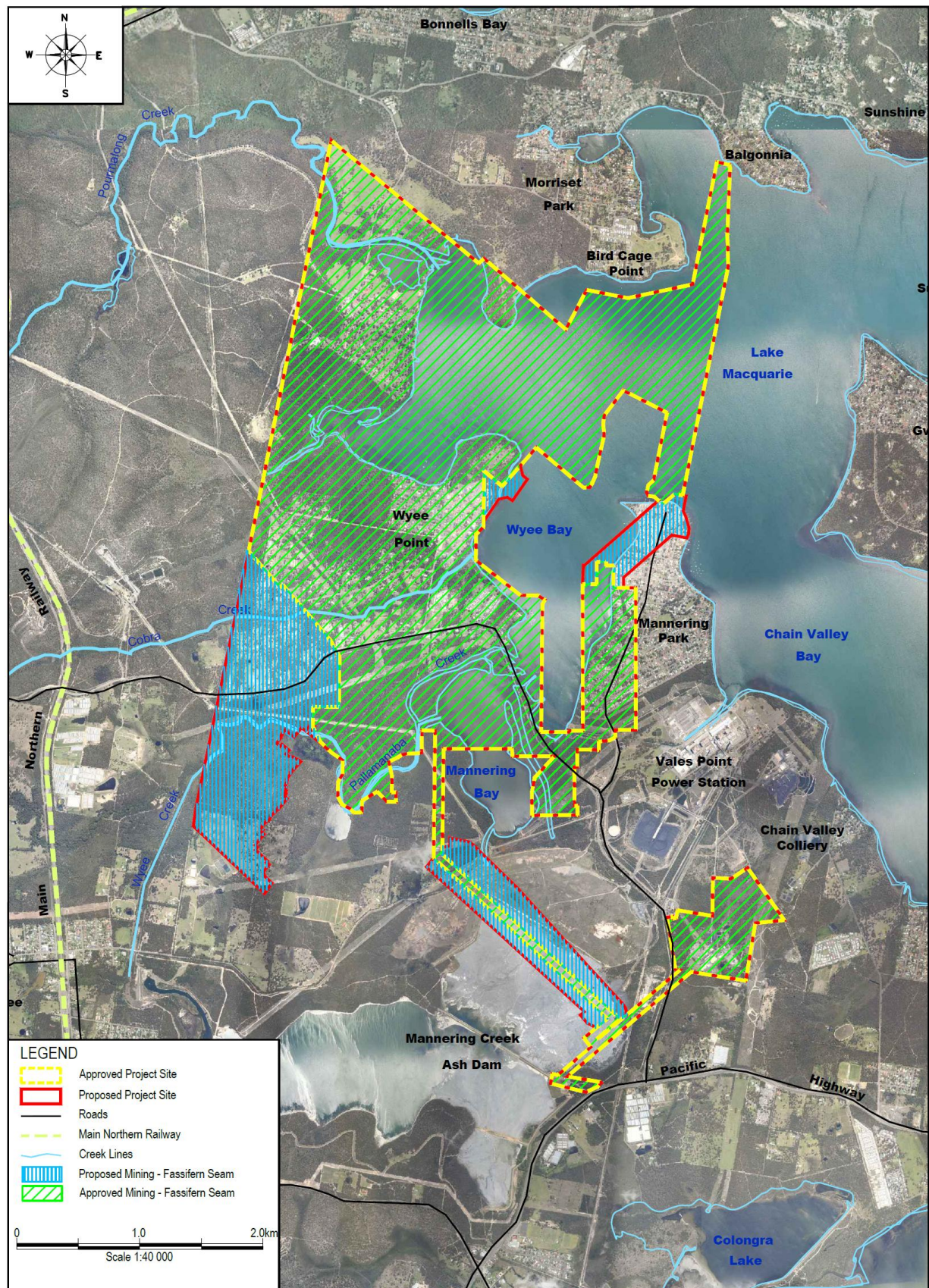
10. The Proponent shall:
- (a) make copies of the following publicly available on its website:
 - the documents referred to in condition 2 of Schedule 2;
 - all relevant statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual reviews required under this approval;
 - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; and
 - any other matter required by the Director-General; and
 - (b) keep this information up-to-date, to the satisfaction of the Director-General.
14. Delete APPENDIX 1 and replace with:

APPENDIX 1: PROJECT LAND

Mannering Colliery – Land to which the Project Approval Applies
(shown edged in solid and dashed red lines)



15. Delete Figures 1 and 2 in Appendix 2 and replace with:



To be printed A4



Mannerling Colliery - Extension of Mine Project
Proposed Mine Plan (Revised July 2012)

Figure 1: Revised Mine Plan for Fassifern Seam

16. In Appendix 3, delete the table of commitments and replace with the following revised statement of commitments:

Revised Statement of Commitments (August 2012)

Table 2 – Revised Statement of Commitments

Subsidence
Mining to be limited to the approved bord-and-pillar method where coal recovery is limited to first workings only.
Monitoring of the existing subsidence monitoring marks will continue and additional subsidence monitoring marks will be installed above the proposed mining areas to measure the subsidence and verify that subsidence is within the predicted levels.
If it is identified that subsidence levels are greater than the predicted maximum of 20 millimetres, the DTIRIS Minerals Division will be consulted to determine appropriate management and mitigation actions.
Water Management
The water level within the sediment pond system will be monitored and kept at a relatively low operating level, such that the ponds can provide a detention function in a significant rainfall event.
A visual assessment of the unnamed creek will be undertaken every 6 months to monitor stability and erosion.
Where practicable, underground water levels will be recorded to monitor changes in the level of water stored in underground depressions and to verify that the rate of extraction is sufficient.
The extraction of underground water from the mine workings will be undertaken in accordance with the Bore License (20BL172016) issued under the Water Act 1912.
To enable on-going assessment of the quality of water discharged, the existing monitoring program will be maintained for the life of the Project with the following enhancements: <ul style="list-style-type: none"> • An assessment of the surrounding catchments summarising land uses and other background information to characterise an appropriate water quality; and • Annual monitoring of heavy metals at the monitoring location identified as 'Downstream'.
Terrestrial Ecology
If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to terrestrial ecology.
Aquatic Ecology
If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to aquatic ecology.
Aboriginal Heritage
If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with OEH.
All relevant Centennial Mannering staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under the NP&W Act as part of the existing mine induction process.

An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed and implemented for the identified Aboriginal heritage items within the Project Site in consultation with the relevant Aboriginal stakeholders. If additional sites are identified they will be assessed for cultural significance and be incorporated into the ACHMP.
In the unlikely event that skeletal remains are identified, the NSW Police Coroner will be contacted to determine if the material is of Aboriginal origin. If determined to be Aboriginal, contact will be made with the OEH, a suitably qualified archaeologist and representatives of the relevant Aboriginal stakeholder groups to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.
European Heritage
If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to non-indigenous heritage.
All relevant Centennial Mannering staff and contractors will be made aware of their statutory obligations for European cultural heritage under the Heritage Act 1977 as part of the existing mine induction process.
If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Project Site, the Heritage Branch of OEH will be notified and any required monitoring or management strategies instigated.
Air Quality
A review of dust management strategies and mitigation measures will be undertaken against the best practice dust mitigation measures identified in the NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining (Katestone Environmental Pty Ltd 2011), which was prepared for OEH. The review will identify any additional dust management practices that are reasonable and feasible for implementation at Mannering Colliery and will be undertaken generally in accordance with any requirements of a pollution reduction program that may be imposed by the OEH on the Mannering Colliery EPL in the future.
Traffic
Centennial Mannering will upgrade the Rutleys Road - Mannering Colliery Access Road intersection to improve safety and operational efficiency.
Socio-Economic
Centennial Mannering is committed to on-going community consultation and will continue to engage the community for the purposes of providing information relating to on-going operations and the Extension of Mine Project.
Rehabilitation
The Mining Operations Plan will be amended to reflect the proposed modification and will include integrated rehabilitation and environmental management.
Monitoring
The Environmental Monitoring Program will be reviewed and updated, as required, to incorporate the commitments made in the Environmental Assessment and any additional consent conditions.

17. Revise the Table of Contents to be consistent with the modifications made above.