

## **APPENDIX A: NOTICE OF MODIFICATION**

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# Notice of Modification

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

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

Member of the Commission

Member of the Commission

Sydney,

2013

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### SCHEDULE 1

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

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### SCHEDULE 2

- In the list of DEFINITIONS, delete "AEMR", "Director-General" and "Minister", and insert the following in alphabetical order:

Annual Review	The Annual Review of operations, as required under condition 3 of schedule 5
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department, or nominee
EA - Mod 2	Environmental Assessment titled <i>Environmental Assessment Angus Place Colliery, Ventilation Facility Project: Modification 2 of Project Approval 06_0021</i> , dated October 2012, and the associated Response to Submissions, dated December 2012
EPA	Environment Protection Authority
Minister	Minister for Planning and Infrastructure
Mod 2 Statement of Commitments	The Proponent's commitments for the implementation of Mod 2, as set out in Appendix 6
NOW	NSW Office of Water
Trial Mining Area	The Trial Mining Area as shown in Appendix 5
- Delete all references to "OEH" and replace with "EPA", except where second- and third-occurring in condition 3C of schedule 3 and in condition 37 of schedule 3.
- Delete all references to "AEMR" and replace with "Annual Review".
- In condition 2 of schedule 2, delete all words after "Commitments;" (except the note), and insert instead the following:
  - EA - Mod 2; and
  - conditions of this approval.
- In condition 3E of schedule 3, delete the word "The" where first-occurring, and insert instead "Subject to condition 3E1, the".

6. Following condition 3E schedule 3, insert:

**Trial Mining**

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

7. Following condition 24 of schedule 3, insert:

***Persoonia hindii* Management and Research Program**

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

- (a) be prepared in consultation with OEH and Forests NSW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
- (b) be submitted for approval to the Director-General 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 OEH, Forests NSW and the Department.

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

**Mod – 2 Vegetation Offsets**

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

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

8. Following condition 37 of schedule 3, add:

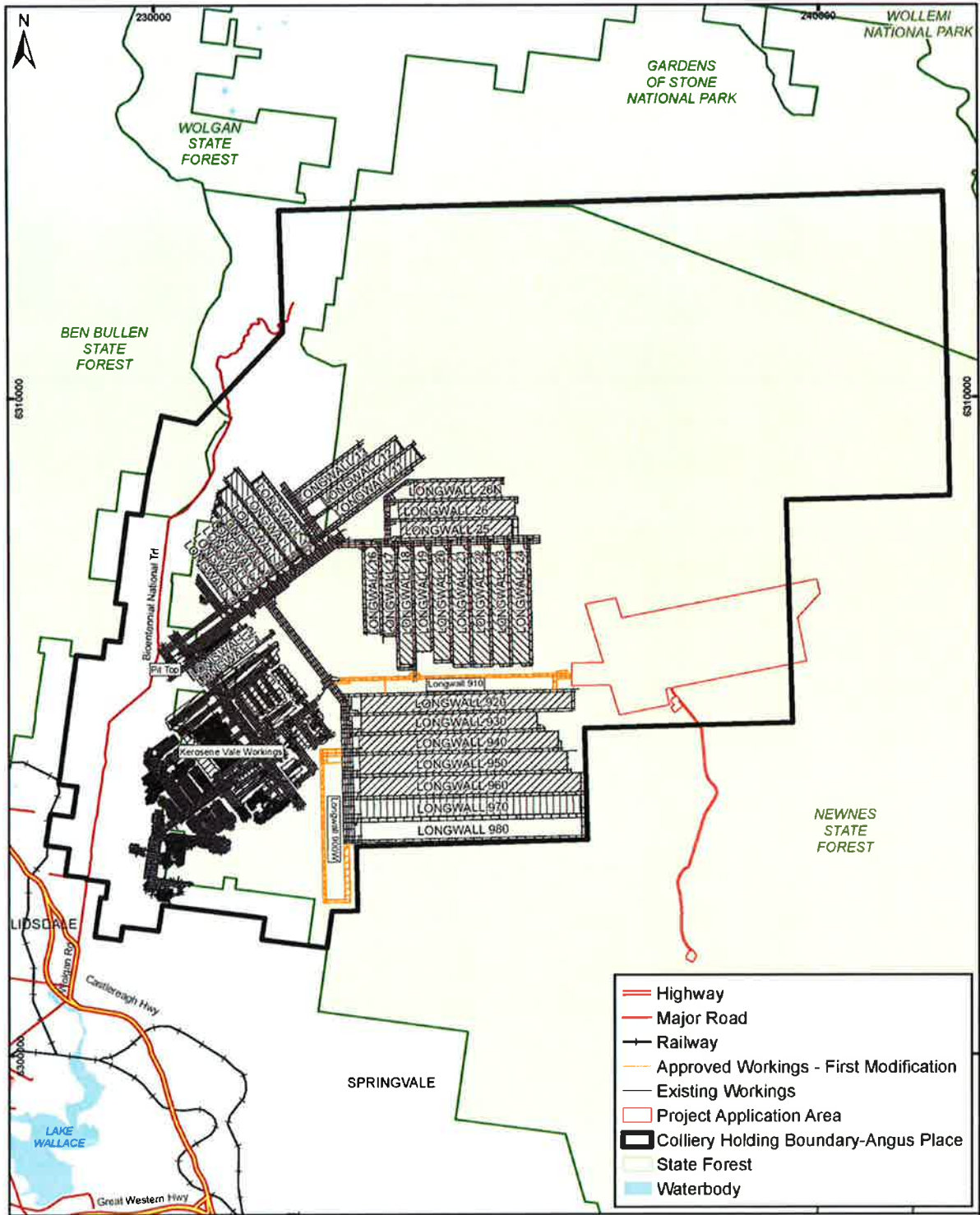
**Mod – 2 Ventilation Facilities**

38. The Proponent shall prepare and implement a Construction Environmental Management Plan to the satisfaction of the Director-General. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) be approved by the Director-General prior to the commencement of vegetation clearance or ground disturbance activities caused by construction of the Mod – 2 ventilation facilities and their supporting surface infrastructure and access tracks/roads; and

- (c) identify environmental impacts and potential impacts of these activities and describe measures to mitigate and manage these impacts, including impacts associated with:
  - noise emissions;
  - visual amenity;
  - night lighting;
  - Aboriginal cultural heritage;
  - air quality;
  - traffic management;
  - public safety;
  - bushfire management;
  - waste and hazardous materials management;
  - vegetation removal; and
  - erosion and sediment control.

#### **Mod – 2 Ventilation Facilities – Rehabilitation**

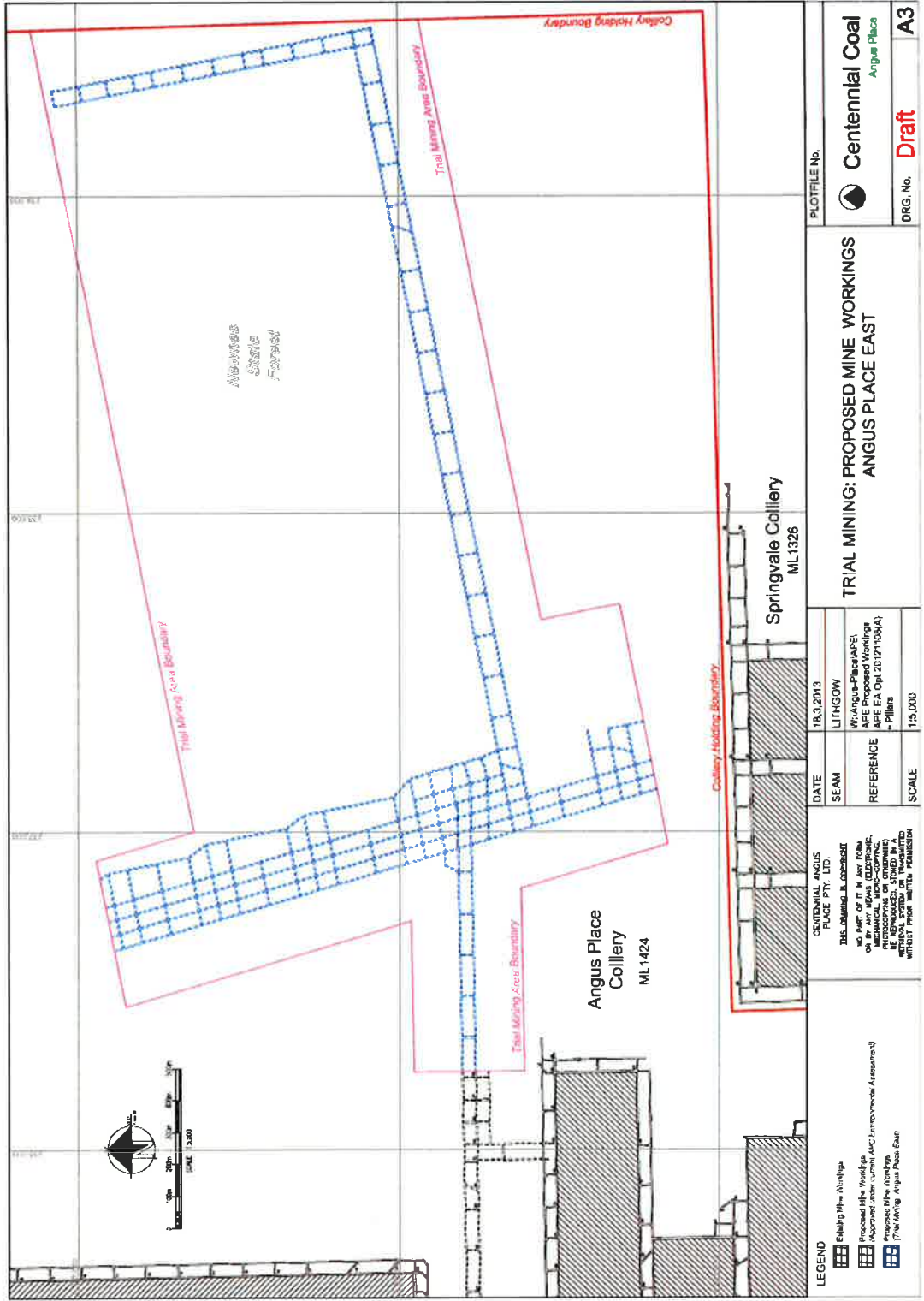
- 39. The Proponent shall prepare and implement a Ventilation Facilities Rehabilitation Management Plan to rehabilitate areas of disturbance caused by construction of the Mod – 2 ventilation facilities and their supporting surface infrastructure and access tracks/roads, to the satisfaction of DRE. This Plan must:
  - (a) be prepared in consultation with the Department, OEH and Forests NSW;
  - (b) be submitted to the Executive Director Mineral Resources for approval, prior to 1 August 2013;
  - (c) describe how the performance of the rehabilitation would be monitored and assessed;
  - (d) describe measures for soil erosion and sediment control;
  - (e) provide for progressive rehabilitation of temporarily disturbed areas and final rehabilitation following decommissioning of these facilities; and
  - (f) include a timetable for the implementation of the components of the Plan.
- 9. In Appendix 2, delete the figure, and replace with the following figure:



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

10. Following Appendix 4, add:

APPENDIX 5  
TRIAL MINING AREA



<b>LEGEND</b> Buildings Proposed Mine Holdings Approved Mining Area (Environmental Assessment) Proposed Mine Holdings Trial Mining Area (Angus Place East)	<b>CENTENNIAL ANGUS PLACE PTY. LTD.</b> 18.3.2013 DATE SEAM REFERENCE SCALE	18.3.2013 LITINGOW W/Angus-Place/ASPE ASPE Proposed Workings EA Oct 2017/108(A) Pillars 1:15,000	PLOTFILE No. <b>Centennial Coal</b> Angus Place
	<b>TRIAL MINING: PROPOSED MINE WORKINGS ANGUS PLACE EAST</b>		DRG. No. <b>Draft</b> <b>A3</b>

**APPENDIX 6  
MOD 2 STATEMENT OF COMMITMENTS**

**FLORA AND FAUNA**

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

**SURFACE WATER**

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

**GROUNDWATER**

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

**REHABILITATION**

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

**SOILS AND LAND RESOURCES**

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

**GREENHOUSE GASES**

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

## **AIR QUALITY**

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

## **NOISE**

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

## **BUSHFIRE**

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

## **VISUAL**

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

## **RECREATION**

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

## **TRAFFIC**

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

## **SUBSIDENCE**

24. A Wolgan River Monitoring Program will be developed and implemented. It will include:
  - a. Pre and post mining inspections of the Wolgan River.
  - b. Photographic monitoring of the Wolgan River prior to mining.



- c. Annual inspections and reporting of the condition of the Wolgan River for a period of 5 years post mining.
25. Appropriate impact management and mitigation plans will be developed for infrastructure within the Project Application Area.
26. Existing management plans will be updated to take into consideration potential subsidence impacts from the project.

## **HERITAGE**

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

In the unlikely event that skeletal remains are identified.

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

## **AGRICULTURE**

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

## **OTHER HAZARDS**

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

## **OTHER APPROVALS**

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

11. Adjust the TABLE OF CONTENTS to reflect the changes above.