

Project Approval

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

I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

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

Project Approval signed by Frank Sartor on 12 March 2008

Frank Sartor MP
Minister for Planning

Sydney

2008

SCHEDULE 1

Application No:

06_0311

Proponent:

Centennial Coal Company Limited

Approval Authority:

Minister for Planning

Land:

See Appendix 1

Project:

Mannering Colliery – Continuation of Mining Project

Red text represents Modification 1 of October 2012 (06_0311 MOD 1)

TABLE OF CONTENTS

| | |
|---|-----------|
| DEFINITIONS | 3 |
| ADMINISTRATIVE CONDITIONS | 5 |
| Obligation to Minimise Harm to the Environment | 5 |
| Terms of Approval | 5 |
| Limits on Approval | |
| Management Plans / Monitoring Programs | 5 |
| Structural Adequacy | 5 |
| Demolition | 6 |
| Operation of Plant and Equipment | 6 |
| Community Enhancement Program | 6 |
| SPECIFIC ENVIRONMENTAL CONDITIONS | 7 |
| Noise | 7 |
| Subsidence | 8 |
| Soil and Water | 8 |
| Landscape | 9 |
| Air Quality | 9 |
| Heritage | 10 |
| Visual | 10 |
| Transport | 11 |
| Greenhouse and Energy Efficiency | 11 |
| Waste | 11 |
| ADDITIONAL PROCEDURES | 12 |
| Independent Review | 12 |
| ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING & AUDITING | 13 |
| Environmental Management | 13 |
| Reporting | 14 |
| Independent Environmental Audit | 14 |
| Access to Information | 15 |
| APPENDIX 1: SCHEDULE OF PROJECT LAND | 16 |
| APPENDIX 2: PROJECT LAND | 17 |
| APPENDIX 3: STATEMENT OF COMMITMENTS | 18 |
| APPENDIX 4: NOISE ASSESSMENT LOCATIONS | 20 |
| APPENDIX 5: INDEPENDENT DISPUTE RESOLUTION | 22 |

DEFINITIONS

| | |
|-----------------------------|--|
| Annual review | The review required by Condition 3 of Schedule 5 |
| Affected councils | Wyong Shire Council and Lake Macquarie City Council |
| 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 |
| BCA | Building Code of Australia |
| CCC | Community Consultative Committee |
| Conditions of this approval | Conditions contained in Schedules 2 to 5 inclusive |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |
| 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 | Environmental Assessment titled <i>Mannering Colliery Environmental Assessment</i> , dated March 2007, including the response to submissions, dated 27 July 2007 |
| 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 |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPL | Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i> |
| Evening | The period from 6pm to 10pm |
| Feasible | Feasible relates to engineering considerations and what is practical to build |
| 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 |
| LMCC | Lake Macquarie City Council |
| 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 |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| 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) |
| Proponent | Centennial Coal Company Limited or any other person or persons who rely on this approval to carry out the project that is subject to this approval |
| Project | Mannering Colliery Continuation of Mining Project as described in the EA |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements |
| ROM | Run-of-mine |
| RMS | Roads and Maritime Services |
| Second workings | Extraction of coal by pillar extraction methods |
| Site | Land referred to in Appendix 1 |

SMP
Statement of Commitments
Subsidence
WSC

Subsidence Management Plan
The Proponent's commitments in Appendix 3
Subsidence of the land surface caused by underground coal mining
Wyong Shire Council

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) EA (Mod 1);
 - (c) Revised Statement of Commitments (see Appendix 3); and
 - (d) conditions of this approval.

Notes:

- The general layout of the project is shown in Figure 1 of Appendix 2.
- The statement of commitments is reproduced in Appendix 3.

3. If there is any inconsistency between the above documents, the latter document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of **any inconsistency**.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

Limits on Approval

5. Mining operations may take place until 31 March 2018.

*Note: Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General and **DRE**. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.*

6. The Proponent shall not extract more than 1.1 million tonnes of ROM coal a year from the site.
7. The Proponent shall ensure all coal produced on the site is transported by overland conveyor to Vales Point Power Station.

Management Plans / Monitoring Programs

8. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Structural Adequacy

9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Demolition

10. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Operation of Plant and Equipment

11. The Proponent shall ensure that all plant and equipment used on site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Community Enhancement Program

12. The Proponent shall pay the affected councils \$0.02 for each tonne of ROM coal produced by the project for the purpose of improving water quality in the Lake Macquarie catchment. This payment shall be:
- (a) shared equally by the affected councils;
 - (b) made by the end of March 2009, and at yearly intervals thereafter;
 - (c) calculated on the ROM coal produced in the previous calendar year; and
 - (d) subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Criteria

1. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately owned land.

Table 1: Noise limits dB(A)

| Day <i>L_{Aeq}(15 min)</i> | Evening <i>L_{Aeq}(15 min)</i> | Night | | Location (as listed in Appendix 4) |
|---------------------------------------|---|--------------------------------|------------------------------|---|
| | | <i>L_{Aeq}(15 min)</i> | <i>L_{A1}(1 min)</i> | |
| 49 | 49 | 35 | 49 | 4 – di Rocco |
| 47 | 47 | 35 | 49 | 5 – Keighran |
| 44 | 44 | 35 | 49 | 6 – Swan |
| 43 | 43 | 43 | 50 | 7 – Druitt |
| 46 | 46 | 46 | 50 | 8 – May |
| 45 | 45 | 45 | 52 | 9 – Jeans |
| 40 | 40 | 40 | 52 | 11 – Jeans |
| 43 | 43 | 43 | 52 | 18 – Jeans |
| 44 | 44 | 44 | 52 | 20 – Knight and all other Chain Valley Bay residences |

However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and EPA, then the Proponent may exceed the noise criteria in Table 1 in accordance with the negotiated noise agreement.

Notes:

- The receiver references in Table 1 are shown in the figure in Appendix 4.
- To determine compliance with the *L_{Aeq}(15 minute)* noise limits, noise from the project is to be measured at the most affected point 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. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and 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 shall also be applied to the measured noise levels where applicable.
- To determine compliance with the *L_{A1}(1 minute)* noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the Department and EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- These limits apply under the relevant meteorological conditions outlined in the assessment procedures in Chapter 5 of the NSW Industrial Noise Policy.

Noise Mitigation

2. The Proponent shall prepare a report on potential noise mitigation measures for noisy equipment and activities undertaken on the site to the satisfaction of the Director-General. This report must be:
 - (a) prepared by a suitably qualified acoustic expert;
 - (b) submitted to the Director-General by the end of September 2008; and
 - (c) accompanied by an action plan for the implementation of any reasonable and feasible recommendations of the report.

Noise Monitoring

3. The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:
 - (a) be submitted to the Director-General by the end of September 2008; and
 - (b) include the use of attended noise monitoring measures to monitor the performance of the project.

SUBSIDENCE

4. The Proponent shall limit its coal extraction methods on the site to first workings only, and shall not undertake second workings.

5. Deleted.

SOIL AND WATER

Discharge

6. The Proponent shall only discharge water from the site as expressly provided for by its EPL.
7. The Proponent shall investigate, assess and report on the ecological interactions of minewater discharged from the site with the aquatic ecology of the unnamed creek and wetlands (and associated vegetation) between the minewater discharge point/s and Lake Macquarie. This report must:
 - (a) be prepared in consultation with EPA by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
 - (b) be submitted to the Director-General by the end of March 2009; and
 - (c) assess the probable alterations in the local ecology attributable to previous and proposed minewater discharges and any future cessation of minewater discharge flows.

Water Management Plan

8. The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with NOW by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
 - (b) be submitted the Director-General by the end of March 2009; and
 - (c) include a:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Plan; and
 - Groundwater Monitoring Program.

Site Water Balance

9. The Site Water Balance must:
 - (a) include details of:
 - sources and security of water supply;
 - water use on site;
 - water management on site; and
 - (b) investigate, assess and report on measures to minimise water use by the project, particularly potable water from the Wyong Shire town water supply.

Erosion and Sediment Control

10. The Erosion and Sediment Control Plan must:
 - (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom 2004, or its latest version);
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for transport of sediment from the site;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to monitor and maintain the structures over time.

Surface Water Monitoring Program

11. The Surface Water Monitoring Plan must include:
 - (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;
 - (b) surface water impact assessment criteria;
 - (c) a program to monitor the impact of the project on surface water flows and quality; and
 - (d) procedures for reporting the results of this monitoring.

Groundwater Monitoring Program

12. The Groundwater Monitoring Program must include:
- (a) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality;
 - (b) groundwater impact assessment criteria;
 - (c) a program to monitor the impact of the project on groundwater levels, yield and quality; and
 - (d) procedures for reporting the results of this monitoring.

LANDSCAPE

Rehabilitation

13. The Proponent shall rehabilitate the site to the satisfaction of the Director-General and DRE.

Land Management Plan

14. The Proponent shall prepare and implement a detailed Land Management Plan for the site to the satisfaction of the Director-General and DRE. This plan must:
- (a) be submitted to the Director-General by the end of September 2008;
 - (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General;
 - (c) be prepared in consultation with DRE, OEH and affected councils; and
 - (d) include measures to:
 - minimise visual impacts;
 - control weeds, feral pests and access; and
 - manage bushfires; and
 - (e) provide details of who is responsible for monitoring, reviewing and implementing the plan.

Mine Closure Plan

15. The Proponent shall prepare and implement a Mine Closure Plan for the site to the satisfaction of the Director-General and DRE. This plan must:
- (a) be submitted to the Director-General by the end of March 2013;
 - (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General;
 - (c) define the objectives and criteria for mine closure including proposed rehabilitation objectives, performance, completion criteria and responsibilities;
 - (d) investigate options for the future use of the site;
 - (e) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including the reduction in local and regional employment levels;
 - (f) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and
 - (g) describe how the performance of these measures would be monitored over time.

AIR QUALITY

Impact Assessment Criteria

16. The Proponent shall ensure that dust generated by the project does not cause exceedances of the criteria listed in Table 2 at any residence on privately-owned land.

Table 2: Long term impact assessment criteria for deposited dust

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

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Monitoring

17. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be submitted to the Director-General by the end of September 2008; and
 - (b) use dust deposition gauges to monitor the performance of the project.

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.

VISUAL

19. The Proponent shall:
- (a) ensure no outdoor lights shine above the horizontal;
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*;
 - (c) take all practicable measures to mitigate off-site lighting impacts from the project; and
 - (d) minimise the visual impacts of the project, to the satisfaction of the Director-General.

TRANSPORT

Monitoring of Coal Transport

20. The Proponent shall keep records of the amount of coal transported from the site each year, and include these records in the **Annual Review**.

Rutleys Road Intersection

21. The Proponent shall:
- (a) complete a road safety audit of the intersection of Rutleys Road and Mannering Colliery Access Road by the end of March 2009;
 - (b) provide copies of this audit to RTA, WSC and the Director-General within one month of its completion; and

- (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.

GREENHOUSE AND ENERGY EFFICIENCY

22. The Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with EPA and generally in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS 2005, or its latest version);
 - (b) be submitted to the Director-General for approval by the end of September 2008;
 - (c) include a program to monitor greenhouse gas emissions and energy use generated by the project;
 - (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and
 - (e) describe how the performance of these measures would be monitored over time.

WASTE

23. The Proponent shall:
- (a) monitor the amount of waste generated by the project;
 - (b) investigate ways to minimise waste generated by the project;
 - (c) implement reasonable and feasible measures to minimise waste generated by the project; and
 - (d) report on waste management and minimisation in the *Annual Review*, to the satisfaction of the Director-General.

SCHEDULE 4

ADDITIONAL PROCEDURES

INDEPENDENT REVIEW

1. If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:

- (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 Director-General, to conduct monitoring on the land, to:
 - determine whether the project is complying with the relevant impact assessment 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; and
 - give the Director-General and landowner a copy of the independent review.

2. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

3. If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:

- (a) take all reasonable and feasible 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.

If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General.

4. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one project is responsible for this non-compliance, then the Proponent shall, together with the relevant project/s:
 - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner and other relevant projects to allow exceedances of the criteria in schedule 3,to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the projects are complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

5. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

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.

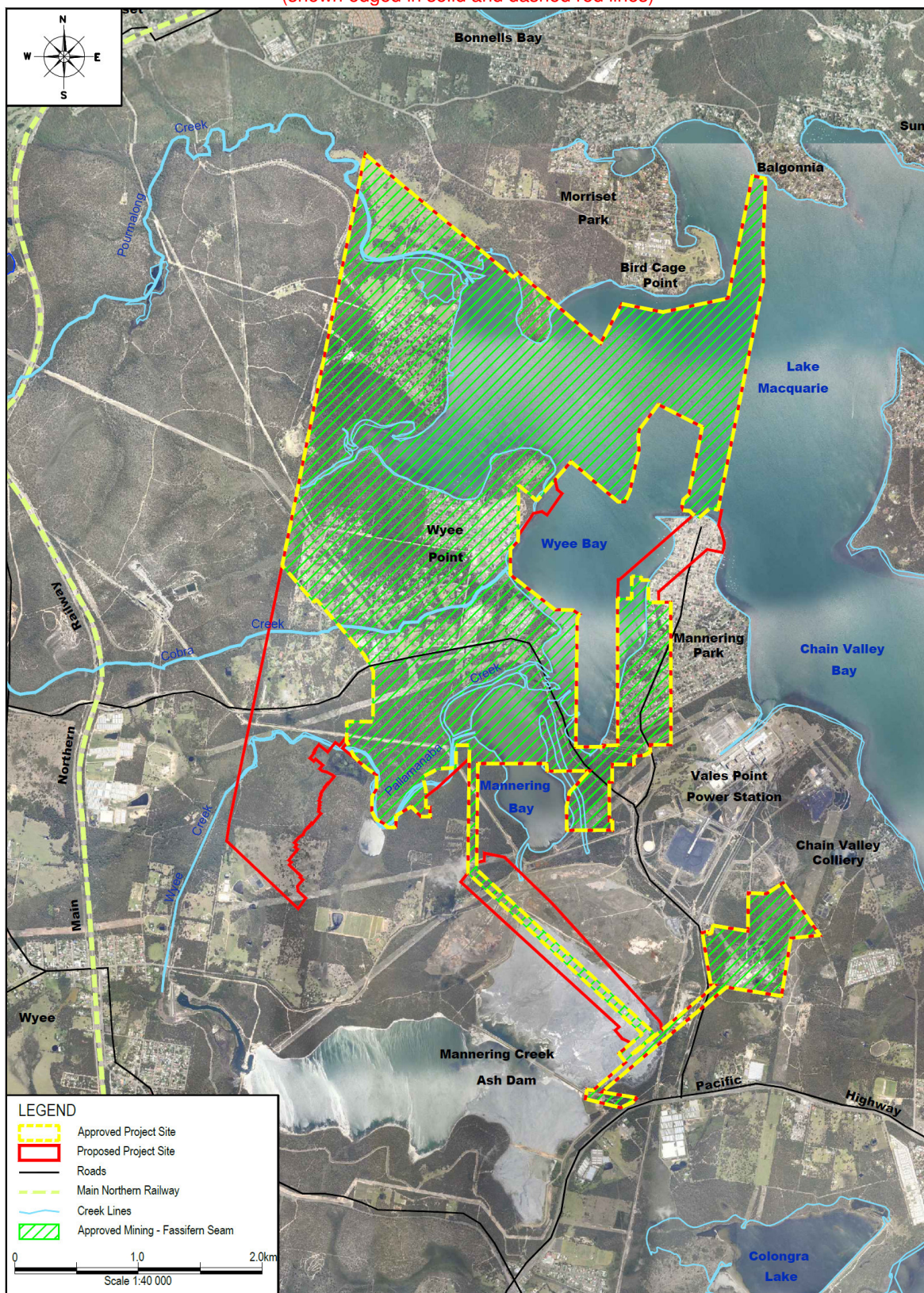
- 9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

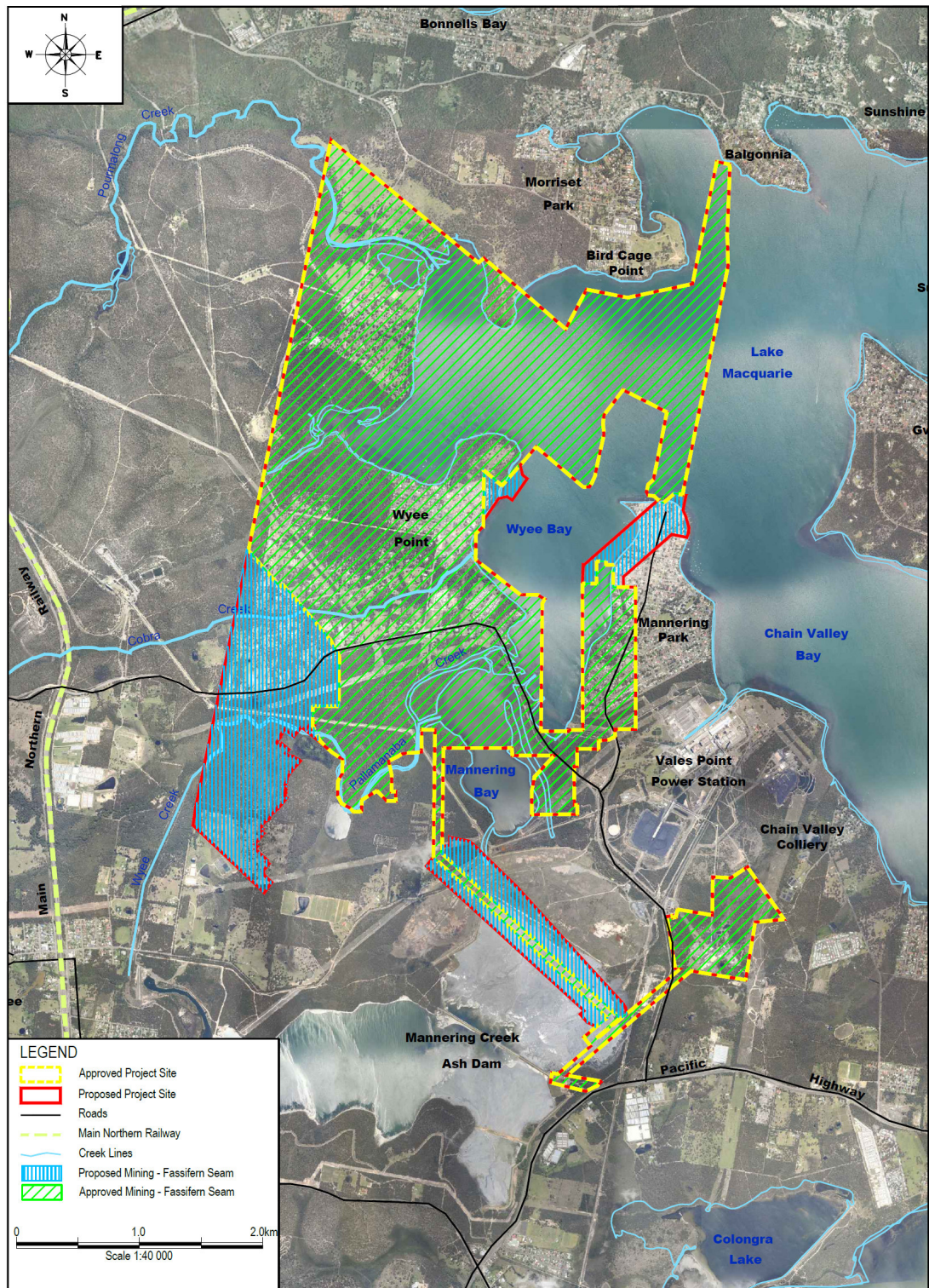
- 10. The Proponent shall:
 - (a) make copies of the following publicly available on its website:
 - the documents referred to in condition 2 of Schedule 2;
 - all relevant statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - 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.

APPENDIX 1: PROJECT LAND

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



APPENDIX 2: PROJECT MAPS



To be printed A4



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

Figure 1: Revised Mine Plan for Fassifern Seam

APPENDIX 3: 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 Manning 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. |

APPENDIX 4: NOISE ASSESSMENT LOCATIONS

Private Property Surrounding Mannering (Location of ID numbers are shown on following figure)

| ID | Owner | ID | Owner | ID | Owner |
|----|--------------------------|----|---------------------|----|--------------------------|
| 1 | Energy Australia | 27 | H Gleeson | 53 | H & J Beukers |
| 2 | Alcevski Investments | 28 | C Stead & M Garner | 54 | A Taylor-Stewart |
| 3 | Eaton & Sons Pty Ltd | 29 | A O'Keefe | 55 | G Kettles |
| 4 | O & J di Rocco | 30 | P Groen | 56 | R & E Brokenshire |
| 5 | A & M Keighran | 31 | M Parkin | 57 | B & S Fowler |
| 6 | Swan HydroPonics Pty Ltd | 32 | I Maclaren | 58 | B Sneddon |
| 7 | R Druitt | 33 | P Kranz | 59 | J & P Hanson |
| 8 | D & M May | 34 | T & V Wilding | 60 | L Crook & L Kelly |
| 9 | L F Jeans | 35 | G Williams | 61 | P & G Becker |
| 10 | L & J Jeans | 36 | P & C Byrnes | 62 | B Clover & R Alaban |
| 11 | L & J Jeans | 37 | G Holmes | 63 | T & O Becker |
| 12 | L & J Jeans | 38 | R & B Croucher | 64 | R Harris & D Kingsford |
| 13 | L & J Jeans | 39 | R & C Calvert | 65 | N Singleton |
| 14 | L & J Jeans | 40 | T & D Stolz | 66 | M Smith |
| 15 | L & J Jeans | 41 | A & S Whitbread | 67 | D & B Johnston |
| 16 | L & J Jeans | 42 | B Kelly | 68 | R & B Amos |
| 17 | L & J Jeans | 43 | L Preston | 69 | H & C Strand |
| 18 | L & J Jeans | 44 | G Bain | 70 | PhystonPty Ltd |
| 19 | L & J Jeans | 45 | C Clarke | 71 | R Howland |
| 20 | E & K Knight | 46 | W Carpenter | 72 | R & D Shannon |
| 21 | Jonita Homes Pty Ltd | 47 | S Mackay | 73 | P & B Williams |
| 22 | W & D Buchmasser | 48 | R Allen | 74 | P Batten |
| 23 | P McKee | 49 | S Jopp | 75 | G & A Dyer |
| 24 | J Farrell | 50 | P & M Davie | 76 | S Harrison & N Robertson |
| 25 | P Kretchmer & E Castle | 51 | D Olsen | | |
| 26 | A Mearns | 52 | D Poulson & K Toope | | |

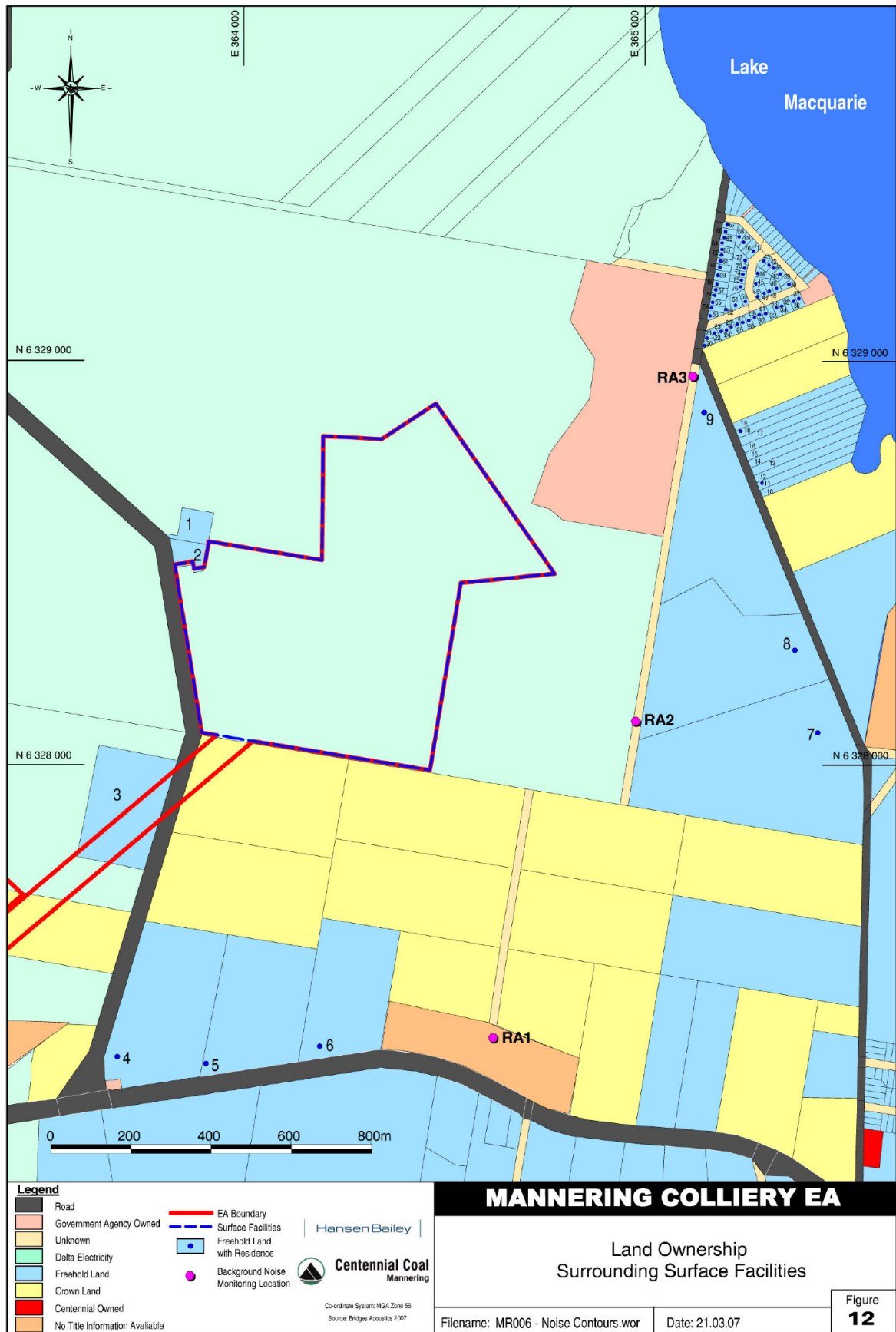


Figure 3: Land Ownership (noise assessment locations)

APPENDIX 5:
INDEPENDENT DISPUTE RESOLUTION

