

Notice of Modification

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission, as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, modifies the development consent referred to in Schedule 1, as set out in Schedule 2.

Name

Member of the Commission

Name

Member of the Commission

Sydney

XX Month 2020

SCHEDULE 1

The development consent (MP 06_0311) granted by the Minister for Planning on 12 March 2008 for the Mannering Colliery – Continuation of Mining Project.

SCHEDULE 2

1. In Schedule 1, delete the words “Centennial Coal Company Limited” and replace with “Delta Coal Pty Limited”.
2. In the list of Definitions, delete the following terms “Annual Review”, “Conditions of this approval”, “Department”, “DPI Water”, “DRE”, “EPA”, “Feasible”, “First workings”, “Incident”, “Land”, “Mining operations”, “Minister”, “OEH”, “Privately-owned land”, “Proponent”, “RMS”, “Second workings”, “Secretary”, and their definitions and insert the following definitions in alphabetical order:

Aboriginal Object / Place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Annual review	The review required by condition 8 of Schedule 5
Applicant	Delta Coal Pty Limited or any person carrying out development under this consent
BCD	Biodiversity and Conservation Division within the Department
Calendar year	A period of 12 months from 1 January to 31 December
CC Council	Central Coast Council
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Department	Department of Planning, Industry and Environment
DPIE Water	Water Group within the Department
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
Feasible	Means what is possible and practical in the circumstances
First workings	The extraction of coal by bord and pillar mining methods (including herringbone pattern workings) and from main headings, gateroads and cut-throughs and the like, provided that such workings are long-term stable and do not generate more than 20 mm of vertical subsidence at the surface
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree, or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none">• the State Heritage Register under the <i>Heritage Act 1977</i>;• a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>;

	<ul style="list-style-type: none"> • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm that may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in in section 1.4 of the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent 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 NSW Land Registry Services at the date of this consent
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of underground mining, including the extraction, processing, stockpiling and transportation of coal on the site and the emplacement of coarse/fine reject material resulting from underground mining
Minister	The Minister for Planning and Public Spaces, or delegate
Modification 1	The modification to the development as described in EA (Mod 1)
Modification 2	The modification to the development as described in EA (Mod 2)
Modification 3	The modification to the development as described in EA (Mod 3)
Modification 4	The modification to the development as described in EA (Mod 4)
Modification 5	The modification to the development as described in SEE (Mod 5)
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
NPfI	<i>Noise Policy for Industry</i> (EPA, 2017)
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land that is not owned by a public agency, Delta Electricity (or its subsidiary) or a mining company (or its subsidiary)
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
RR	Regional NSW – Resources Regulator
SA NSW	Subsidence Advisory NSW
Second workings	Extraction of coal by longwall, miniwall, pillar extraction, pillar splitting or pillar reduction methods, and inclusive of any first workings methods that would generate more than 20 mm of vertical subsidence at the surface
SEE (Mod 5)	Statement of Environmental Effects titled ' <i>Statement of Environmental Effects, Mannering Colliery – Modification 5</i> ' dated May 2019, prepared by EMM Consulting, and the associated Response to Submissions dated August 2019, prepared by EMM Consulting.
TfNSW	Transport for NSW

3. In condition 5 of Schedule 2, condition 15(d) of Schedule 3 and in the title to the figure in Appendix 3, delete all references to “approval” and replace with “consent”.
4. Delete all references to “DRE” where occurring and replace with “RR”.
5. Delete all references to “DPI Water” where occurring and replace with “DPIE Water”.
6. Delete all references to “OEH” where occurring and replace with “BCD”.
7. Delete all references to “RMS” where occurring and replace with TfNSW”.
8. Delete all references to “Secretary” and replace with “Planning Secretary”.

9. In Schedule 2 and thereafter, delete all references to “Project Approval”, except where it occurs in the definition of EA (Mod 1), and replace with “Development Consent”.
10. In Schedule 2 and thereafter, delete all references to “project”, except where it occurs in the definition of EA (Mod 1), and replace with “development”.
11. In Schedule 2 and thereafter, delete all references to “projects” and replace with “developments”.
12. In Schedule 2 and thereafter, delete all references to “Proponent” and replace with “Applicant”.
13. In Schedule 2 and thereafter, delete all references to “Mod 2” where occurring and replace with “Modification 2”.
14. Delete condition 1 of Schedule 2: and replace with:
 1. In addition to meeting the specific performance measures and criteria established under this development, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.
15. Delete conditions 2 to 4 of Schedule 2 and replace with:
 2. The development may only be carried out:
 - (a) in compliance with the conditions of this consent;
 - (b) in accordance with the statement of commitments in Appendix 3;
 - (c) in accordance with the approved mine plan in Appendix 2;
 - (d) in accordance with all written directions of the Planning Secretary; and
 - (e) generally in accordance with the EA, EA (Mod 1), EA (Mod 2), EA (Mod 3), EA (Mod 4) and SEE (Mod 5).
 3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).
 4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(e). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
16. In condition 5 of Schedule 2, delete “30 June 2022” and replace with “31 December 2027”.
17. In condition 6A of Schedule 2, delete “1.3” and replace with “2.1”.
18. Delete condition 8 of Schedule 2 and its title.
19. Delete the notes under condition 9 of Schedule 2 and replace with:
 - *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any proposed building works.*
 - *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
 - *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SANSW’s approval before carrying out certain development in a Mine Subsidence District.*
20. Delete the first sentence of condition 11 of Schedule 2 and replace with:

“All plant and equipment used on site, or to monitor the performance of the development must be:”

21. Insert following condition 12 of Schedule 2:

Community Consultative Committee

13. A Community Consultative Committee (CCC) must continue to operate for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Developments* (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.

Notes:

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, affected Councils and the local community.*

14. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this development with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.

Evidence of Consultation

15. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document;
- (b) provide details of the consultation undertaken including:
 - i. the outcome of that consultation, matters resolved and unresolved; and
 - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

16. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
- (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.

17. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

18. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

Application of Existing Strategies, Plans or Programs

19. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 5, until the approval of a similar plan, strategy or program following the approval of Modification 5.

Protection of Public Infrastructure

20. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure^a that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure^a that needs to be relocated as a result of the development.

^a This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the *Mining Act 1992*.

Compliance

21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Applicability of Guidelines

22. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.
23. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.
22. Delete conditions 1 to 3 of Schedule 3 and replace with:

Construction Noise

1. The Applicant must ensure that the noise generated by any construction work is managed in accordance with the requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009).

Operational Noise Criteria

2. Except for the carrying out of construction works, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence^a on privately-owned land.

Table 1: Operational noise criteria dB(A)

Noise Assessment Location	Day	Evening	Night	Night
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{A1} (1 min)
4 – di Rocco	40	36	36	46
5 - Keighran	40	39	39	49
6 – Swan	40	37	37	47
7 – Druitt	40	35	35	45
8 – Macquarie Shores Home Village	42	42	42	47
9 - Jeans	40	37	37	47
11 - Jeans	40	36	36	46
18 - Jeans	40	36	36	46
20 – Knight and all other privately-owned residences	40	36	36	46

^a The Noise Assessment Locations referred to in Table 1 are shown in Appendix 4.

Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

3. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

- 3A. The Applicant must:
- take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, associated with the development;
 - implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;

- (c) operate a comprehensive noise management system commensurate with the risk of impact;
 - (d) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);
 - (e) carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
 - (f) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.
- 3B. The Applicant must decommission the surface rotary breaker identified in the Statement of Commitments at Appendix 3, within 3 months of approval of Modification 5.

Noise Management Plan

- 3C. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) describe the measures to be implemented to ensure:
 - i. compliance with the noise criteria and operating conditions in this consent;
 - ii. best practice management is being employed; and
 - iii. noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);
 - (c) describe the noise management system in detail; and
 - (d) include a monitoring program that:
 - i. uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
 - ii. monitors noise at the nearest and/or most affected residences;
 - iii. includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
 - iv. adequately supports the noise management system;
 - v. includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and
 - vi. includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.

The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

23. Delete the last sentence of condition 8 of Schedule 3 and replace with:

The Applicant must implement the Water Management Plan approved by the Planning Secretary.

24. In condition 13 of Schedule 3:
- (a) delete “to the satisfaction of the Secretary and RR” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”;
 - (b) delete “substantially” and replace with “generally”;
 - (c) delete “Rehabilitation Objectives” and replace with “proposed rehabilitation”;
 - (d) delete the “,” after EA and replace with “and”;
 - (e) delete “and the following” and replace with “, and comply with the”;
 - (f) delete the word “below”.
25. In Table 2 of condition 13 of Schedule 3, delete the row entitled “Rehabilitation materials”.
26. In condition 13A of Schedule 3, delete “, to the satisfaction of the Planning Secretary and RR” and replace with “following disturbance”.
27. In condition 14 of Schedule 3, delete the words “and RR”.
28. Delete the last sentence of condition 14 of Schedule 3 and replace with:

The Applicant must implement the Land Management Plan approved by the Planning Secretary.

29. In condition 15 of Schedule 3:
- insert “Management” following “Rehabilitation” in the title and first line; and
 - delete “to the satisfaction of the RR” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”; and
 - delete the words “for approval by” in subpoint (a) and replace with “to the”; and
 - delete the last sentence of condition 15.
30. Delete conditions 16 and 17 of Schedule 3 and replace with:
16. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land.

Table 3: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³
^d Deposited dust	Annual	^b 2 g/m ² /month ^a 4 g/m ² /month

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

^d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: *Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method*.

- 16A. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Air Quality and Greenhouse Gas Management Plan

17. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - describe the measures to be implemented to ensure:
 - capture and flaring of methane produced by underground coal mining;
 - compliance with the air quality criteria and operating conditions in this consent;
 - best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
 - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - describe the air quality management system in detail; and
 - include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007), that:
 - uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;
 - adequately supports the air quality management system; and
 - includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident.

Note: "Methane produced by underground coal mining" does not include methane within mine ventilation air.

- 17A. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.

METEOROLOGICAL MONITORING

- 17B. For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:
- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

31. Delete condition 18 of Schedule 3 and its subtitle and replace with:

Protection of Aboriginal Heritage

18. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the documents listed in condition 2(e) of Schedule 2.

Heritage Management Plan

- 18A. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
 - (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - (d) describe the procedures and management measures to be implemented on the site or within any offset area to:
 - i. ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - ii. protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(e) of Schedule 2;
 - iii. protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
 - iv. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - v. maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - vi. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
 - (e) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term.

The Applicant must implement the Heritage Management Plan approved by the Planning Secretary.

32. Delete condition 22 of Schedule 3 and its title and replace with.

BUSHFIRE MANAGEMENT

22. The Applicant must:
- (a) ensure that the development:
 - provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2006) guideline; and
 - ensure that there is suitable equipment to respond to any fires on the site; and
 - (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

33. Insert following condition 23 of Schedule 3:

EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE

Exploration Activities and Minor Surface Infrastructure Management Plan

24. Prior to carrying out exploration activities on the site under this consent that would cause temporary surface disturbance, or exploration activities within the waters or lake bed of Lake Macquarie, or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with RR, NSW Maritime Division of TfNSW, NSW Fisheries and BCD;
 - (c) include a description of the measures to be implemented for:
 - i. managing exploration activities;
 - ii. managing construction and operation of minor surface infrastructure and associated access tracks;
 - iii. consulting with and if necessary compensating affected landowners;
 - iv. assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;
 - v. beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable;
 - vi. avoiding significant impacts and minimisation of impacts generally;
 - vii. avoiding or minimising impacts on threatened species, populations or their habitats and EECs;
 - viii. minimising clearance and disturbance of native vegetation (including seagrasses);
 - ix. minimising and managing erosion and sedimentation; and
 - x. rehabilitating disturbed areas.

Note: Consultation with NSW Maritime Division of TfNSW and NSW Fisheries is not required for land-based exploration activities and minor surface infrastructure.

The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.

27. Delete all text from SCHEDULE 5, except for its title and replace with:

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) set out the procedures to be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive record, handle and respond to complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance and any incident; and
 - respond to emergencies; and
 - (e) include:
 - references to any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these

criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement reasonable remediation measures as directed by the Planning Secretary.

Management Plan Requirements

3. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
 - (a) a summary of relevant background or baseline data;
 - (b) details of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures and criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) any relevant commitments or recommendations identified in the document/s listed in condition 2(e) of Schedule 2;
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of the management measures set out pursuant to condition 2(e) of Schedule 2;
 - (f) 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;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;
 - complaint; or
 - failure to comply with other statutory requirements;
 - (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
 - (j) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

4. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

5. Within three months of:
 - (a) the submission of an incident report under condition 6;
 - (b) the submission of an Annual Review under condition 8;
 - (c) the submission of an Independent Environmental Audit under condition 9; or
 - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise),

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification

6. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

7. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

8. By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current financial/calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the document/s listed in condition 2(e) of Schedule 2;
 - (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (d) evaluate and report on:
 - the effectiveness of the noise and air quality management systems; and
 - compliance with the performance measures, criteria and operating conditions of this consent;
 - (e) identify any trends in the monitoring data over the life of the development;
 - (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Copies of the Annual Review must be submitted to the affected Councils and made available to the CCC and any interested person upon request.

Independent Environmental Audit

9. By the end of February 2022, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
 - (a) led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
 - (b) be led and conducted by a suitably qualified, experienced and independent team of experts (including any be expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
 - (c) be carried out in consultation with the relevant agencies and the CCC;

- (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) be conducted and reported to the satisfaction of the Planning Secretary.
10. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Monitoring and Environmental Audits

11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of the condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

12. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

13. Until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - the documents referred to in condition 2(e) of Schedule 2 of this consent;
 - all current statutory approvals for the development;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - minutes of CCC meetings;
 - regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - a summary of the current progress of the development;
 - contact details to enquire about the development or to make a complaint;
 - a complaints register, updated monthly;
 - the Annual Reviews of the development;
 - audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report; and
 - any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

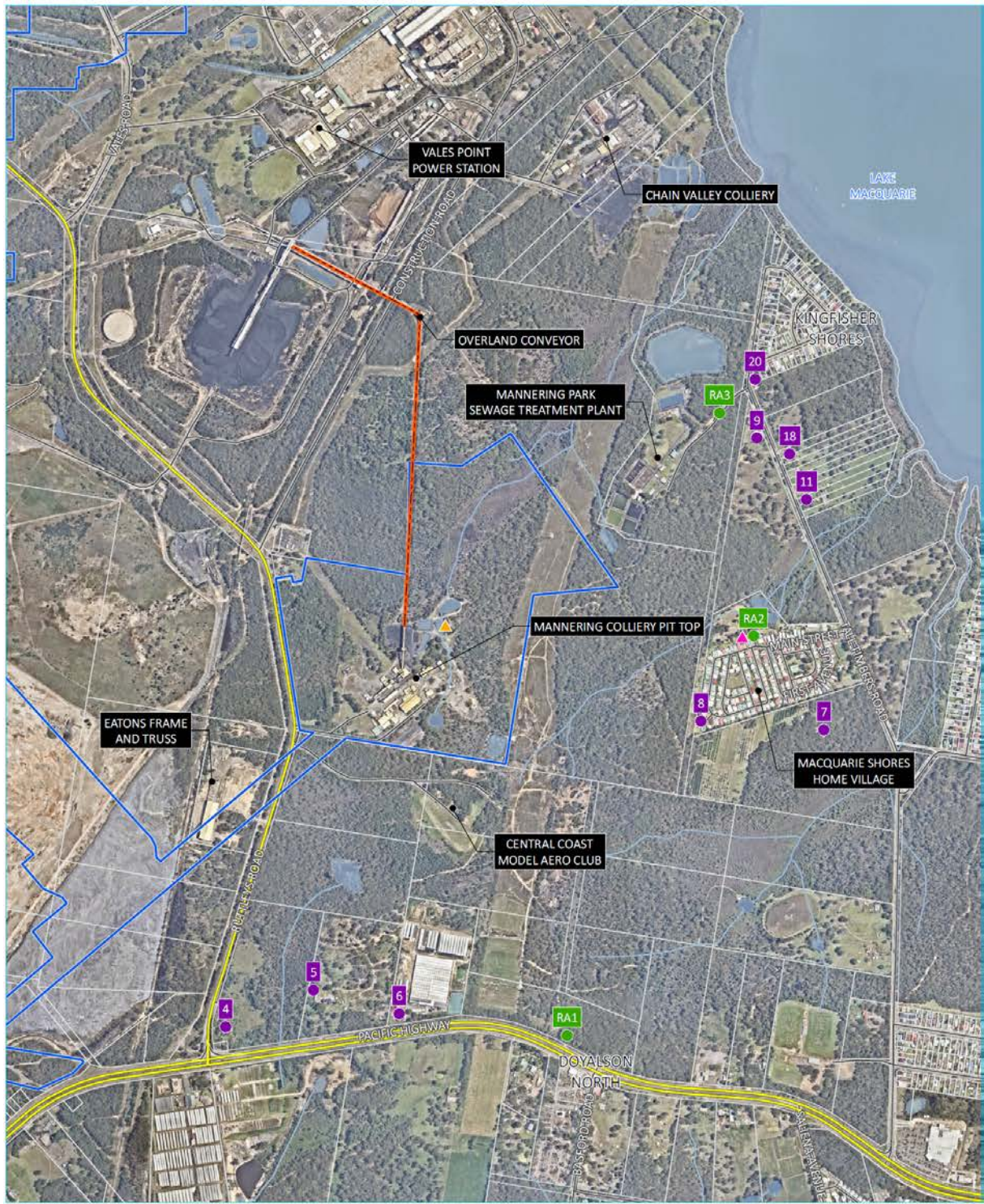
28. In the Statement of Commitments at Appendix 3:

- (a) Delete the words “December 2015” and replace with “April 2020”;
- (b) Delete all references to “LakeCoal” and replace with “Delta Coal”;
- (c) Under the subheading entitled “Subsidence”, delete:
 - i. the words “the approved method” and replace with “bord-and-pillar methods”; and

- ii. the words “DTIRIS Minerals” and replace with “RR”;
- (d) Under the subheading entitled “Water Management”, delete:
 - i. the words “Bore License 20BL172016” and replace with “Water Access Licence (WAL40461)”;
 - and
 - ii. the words “Water Act 1912” and replace with “Water Management Act 2020”;
- (e) Under the subheading entitled “Aboriginal Heritage”, delete:
 - i. the words “Given the Colliery’s current ACHMP is integrated with other Centennial sites, a separate ACHMP will be developed.”; and
 - ii. the word “Centennial”;
- (f) Under the subheading entitled “European Heritage”, delete the word “Centennial”;
- (g) Under the subheading entitled “Air Quality”, delete the second occurrence of the word “BCD” and replace with “EPA”;
- (h) Under the subheading entitled “Traffic”, delete
 - i. the words “Centennial Mannering” and replace with “Delta Coal”; and
 - ii. the word “Rutleys” and replace with “Ruttleys”;
- (i) Under the subheading entitled “Socio-Economic”, delete
 - i. the words “Centennial Mannering” and replace with “Delta Coal”; and
 - ii. the words “Extension of Mine Project” and replace with “development of the Colliery”;
- (j) Under the subheading entitled “Rehabilitation”, delete
 - iii. the words “Mining Operations Plan” and replace with “Rehabilitation Management Plan”; and
 - iv. the words “the proposed modification” and replace with “any modification”;
- (k) add the following subheading and rows:

Commitments for Modification 5
Delta Coal will undertake environmental management incorporating the requirements of any modification and in accordance with the existing environmental management processes of the various approvals, licences and management plans that apply to the development.
Delta Coal will apply to the EPA for a variation to EPL No. 191 to reflect the increase in the rate of ROM coal throughput from 1.3 to 2.1 Mtpa.
Delta Coal will commission a suitably qualified geotechnical engineer to undertake detailed geotechnical assessments as part of the Colliery’s detailed mine plan design process.
Delta Coal will decommission the surface rotary breaker to reduce noise emissions.

- 29. In Appendix 4, delete “D & M May” and replace with “Macquarie Shores Home Village”.
- 30. In Appendix 4, delete Figure 3 and its title and replace with:



Source: EMM (2019), NearMap (2019), DFSI (2017)



KEY

- Mannerling Colliery project approval boundary
- Alignment of overland conveyor to VPPS
- Main road
- Local road
- Watercourse/drainage line
- Waterbody
- Cadastral boundary

- Assessment location
- Attended monitoring location
- ▲ Continuous monitoring location
- ▲ Meteorological station

Noise monitoring and assessment locations

Mannerling Colliery
Noise monitoring program
Figure 2



Figure 5: Noise monitoring locations

31. Delete Appendices 4A and 4B.
32. Update the Table of Contents to reflect the above changes.