

Department of Planning, Housing and Infrastructure

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Angus Place Coal Mine Modification 9

State Significant Development Modification Assessment Report (MP 06_0021-Mod-9)

August 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 9 of Angus Place Coal Mine (MP 06_0021-Mod-9) Assessment Report

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification 9 of the State significant development application for the Angus Place Coal Mine (MP 06_0021-Mod-9), lodged by Centennial Angus Place Pty Ltd (Centennial). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations;
- a demonstration of how matters raised by the community and other stakeholders have been considered;
- an assessment of the likely environmental, social and economic impacts of the modification;
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable; and
- an opinion on whether the modification is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether the consent for the project can be modified and any conditions that should be imposed.

Executive Summary

Angus Place Colliery (Angus Place) is an underground coal mine located approximately 15 kilometres (km) north of Lithgow in the Western Coalfield of NSW. Angus Place is owned by a joint venture between Centennial Springvale Pty Ltd and Boulder Mining Pty Ltd and is operated by Centennial Angus Place Pty Ltd (Centennial).

In June 2024, Centennial lodged a modification application and an accompanying Modification Report, seeking to modify condition 5 of Schedule 2 of MP 06_0021 to clarify that the limitation imposed by the condition applies to mining operations only, rather than all authorised activities permitted by MP 06_0021.

Clarifying this wording would align the Angus Place development consent with the wording of other contemporary mining consents that expressly acknowledge that the consent continues to apply in all respects other than to permit the carrying out of mining operations, until such time as all other requirements of the consent such as decommissioning and rehabilitation have been carried out to the required standard.

The modification application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and can be assessed and determined under this section.

The Independent Planning Commission is the consent authority for the modification application, as Centennial has reported political donations.

The modification application was publicly exhibited and received four objecting public submissions, including two from individuals and two from special interest groups. Lithgow City Council, WaterNSW, NSW Resource Regulators and NSW DCCEEW Conservation Programs, Heritage and Regulation did not raise any concerns regarding the proposed modification. The Environment Protection Authority requested clarification regarding the interactions of the modification with the ongoing water management at other interrelated sites including Mount Piper Power Stations and Springvale Colliery. The Department revised the recommended conditions in response to EPA's advice and sent the revised conditions to EPA on 20 August 2025 who raised no further concerns.

The Department understands that the modification is proposed to provide clarity regarding the operation of condition 5 of Schedule 2 of the Angus Place development consent, which states that the approval 'lapses' on 18 August 2024. The Department considers that the current ambiguity concerning the operation of condition 5 is not in the public interest and a modification to provide greater certainty is warranted.

Noting that the modification does not alter any activities approved under the consent or the timeframe in which those activities are approved to be undertaken, the Department's assessment has found that there would be no impacts associated with the proposed modification beyond those already approved.

The modification application would align the Angus Place development consent with other contemporary mining consents that expressly acknowledge that the consent continues to apply in all respects other than to permit the carrying out of mining operations, until such time as all decommissioning, rehabilitation and other requirements of the consent have been carried out to the required standard.

Consequently, the Department considers that the proposed modification is in the public interest and are approvable, subject to the recommended conditions.

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1 Introduction

1.1 Background

1. Angus Place Colliery (Angus Place) is an underground coal mine located approximately 15 km north of Lithgow in the Western Coalfield of NSW (see Figure 1). Angus Place is owned by a joint venture between Centennial Springvale Pty Ltd and Boulder Mining Pty Ltd and is operated by Centennial Angus Place Pty Ltd (Centennial).

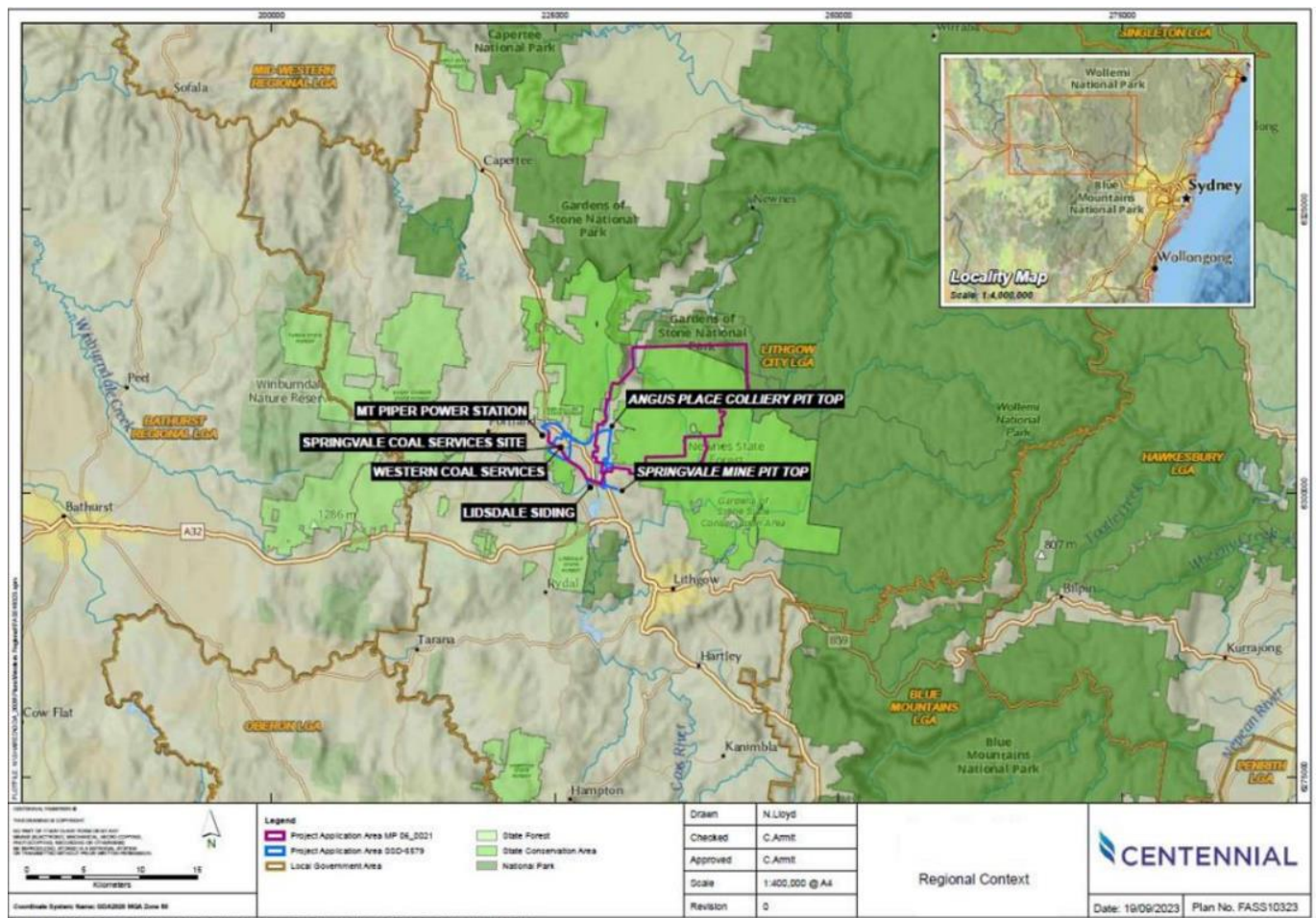


Figure 1 | Regional context map

1.2 Approval history

2. Mining operations at Angus Place have occurred since 1979 under various approvals. The mine has most recently been operating under State significant development (SSD) consent MP 06_0021, granted on 13 September 2006 by the then Minister for Planning.
3. The consent has been modified on seven occasions (see Table 1).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
MOD 1	Extraction of longwalls 900W and 910	Planning Assessment Commission	75W	29 August 2011
MOD 2	Construction of a ventilation facility and underground mining trial	Planning Assessment Commission	75W	22 April 2013
MOD 3	Extensions to longwalls 980 and 900W, and an increased extraction height	Planning Assessment Commission	75W	9 December 2013
MOD 4	First workings for longwalls 1001 and 1003	Planning Assessment Commission	75W	27 October 2014
MOD 5	Temporary increase in water discharge until the end of 2019	Department	75W	14 September 2018
MOD 6	Transfer up to 2.6 ML/d of mine water to MPPS Pond D and water softening plant	Department	4.55(2)	19 March 2021
MOD 7	Modification to rehabilitation conditions to reflect Rehabilitation Reforms	Department	4.55(1A)	25 November 2022
MOD 8	Transfer up to 10 ML/d of mine water to Western Coal Services	Withdrawn		

1.3 Current operations

4. Angus Place has been in care and maintenance since 2015. Some equipment has been removed from the underground workings and the surface infrastructure has been under ongoing maintenance to enable the extraction of coal reserves that remain within the mining lease area, subject to relevant approvals.
5. A range of activities are currently undertaken at Angus Place to ensure compliance with the various approvals held by Centennial, including the conditions of Environment Protection Licence (EPL) 467, mining lease (ML) 1424 and consolidated coal lease (CCL) 704. These activities include:

- ensuring that the mine remains stable, safe and non-polluting;
 - maintaining surface and underground infrastructure and plant;
 - groundwater management (including dewatering) and monitoring; and
 - surface water management and monitoring.
6. Since 2015, Centennial has been investigating opportunities to extend mining at the site. This has included submission of an SSD application for the Angus Place Extension Project in 2016, which was ultimately withdrawn in 2021 following a decision by Centennial to no longer pursue longwall mining at the site and instead prioritise a bord and pillar first workings mining project.
7. Centennial is currently preparing an Environmental Impact Statement (EIS) for the Angus Place West project (SSD-26254212), which proposes bord and pillar mining at Angus Place until 2042. A development application for Angus Place West is yet to be lodged. The Secretary's Environmental Assessment Requirements (SEARs) for this project have lapsed. The Department understands that Centennial intends to apply for new SEARs. This would need to occur before any lodgement of an EIS.
8. Centennial has deferred mine closure while this opportunity is being progressed.

2 Proposed modification

9. Centennial is seeking to modify condition 5 of Schedule 2 of MP 06_0021 to clarify that the limitation imposed by the condition applies to mining operations only, rather than all authorised activities permitted by MP 06_0021.
10. Clarifying this wording would align the Angus Place development consent with the wording of other contemporary mining consents that expressly acknowledge that the consent continues to apply in all respects other than to permit the carrying out of mining operations, until such time as all other requirements of the consent such as decommissioning and rehabilitation have been carried out to the required standard.

3 Strategic context

3.1 Environmental context

11. The Angus Place pit top is located within the Coxs River catchment, which forms part of Sydney's drinking water catchment. The Coxs River flows south towards Lake Wallace and

Lake Lyell, through the Blue Mountains World Heritage Area and ultimately into Lake Burragorang (approximately 100 km downstream).

12. The underground mining area at Angus Place is located primarily beneath the recently established Gardens of Stone State Conservation Area (SCA), an area reserved for its outstanding natural and cultural values. The SCA protects significant sandstone pagoda landscapes, a range of biodiversity values and important cultural heritage on the Newnes Plateau.
13. The mine is within the Western Coalfield, which also includes the adjacent Springvale Coal Mine, the nearby Clarence Colliery, several other former mines and the Mount Piper Power Station. The region has a long history of coal mining and power generation, and the catchment has been exposed to impacts from these land uses over a long period of time.

3.2 Need for modification

14. The modification is proposed to provide clarity regarding the operation of condition 5 of Schedule 2 of the Angus Place development consent, which states that the approval ‘lapses’ on 18 August 2024.
15. Centennial originally submitted the modification application on an understanding that condition 5 would have the effect of preventing the carrying out of any of the authorised activities permitted by MP 06_0021 following 18 August 2024, including the carrying out of mine decommissioning, rehabilitation, mine closure and other requirements under the *Mining Act 1992*.
16. Following submission of the modification application, Centennial sought legal advice to clarify its understanding of the operation of condition 5 (refer to Annexure A of the Submissions Report in **Appendix A**). The view presented in Centennial’s advice is that the development consent has not ‘lapsed’ as that term is used in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and, that when read fairly in context, condition 5 places a limit on the period in which Centennial could conduct mining operations.
17. Consequently, Centennial’s view presented in the Submissions Report is that while condition 5 prevents the carrying out of mining operations at the site beyond 18 August 2024, the development consent continues to authorise the carrying out of other development activities authorised by the consent beyond 18 August 2024, such as rehabilitation and environmental management activities.
18. The Department has carefully considered this matter and agrees that the view presented in the Submissions Report is correct and achieves the most commonsense outcome. Further consideration of this matter is provided in **Section 4.2**.

19. On this view, a modification of the consent would not strictly be required. However, the Department considers that the current ambiguity concerning the operation of condition 5 is not in the public interest and a modification to provide greater certainty is warranted.

4 Statutory context

4.1 Transition to State significant development

20. MP 06_0021 was approved under the now repealed Part 3A of the EP&A Act. Under section 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, the project was transitioned to SSD by order that took effect by publication in the NSW Government Gazette on 12 October 2018.

4.2 Status and operation of development consent

21. As discussed in Section 3.2, MP 06_0021 continues to be in force and has not ‘lapsed’ as that term is used in the EP&A Act. Further, the development consent is not spent or exhausted, as development consents do not expire. It is therefore open to the consent authority to consider a modification application made pursuant to section 4.55 of the EP&A Act.
22. Due to the ambiguity of the wording of condition 5 of Schedule 2, the consent authority must satisfy itself as to how the condition should be construed. In particular, whether the condition has the effect that all activities authorised under the consent no longer have approval after 18 August 2024, or whether the consent continues to authorise some activities but not others.
23. The Department generally agrees with the position presented in Centennial’s Submissions Report that the most appropriate construction is that condition 5 places a limit on the period in which Centennial is authorised to conduct mining operations, and that the consent continues to apply in all other respects until such time as the rehabilitation of the site and other requirements have been carried out to a satisfactory standard.
24. This interpretation achieves the most practical, commonsense outcome, and ensures that Centennial is not prevented from carrying out activities that are necessary for the ongoing rehabilitation and management of the land.
25. Centennial has various legal obligations under its mining leases granted under the *Mining Act 1992* and its environment protection licence granted under the *Protection of the Environment Operations Act 1997* that require site management, decommissioning and rehabilitation activities to continue beyond the cessation of mining operations. This is common for mines across NSW and enables completion of rehabilitation, which is a requirement of both the development consent and mining lease.

26. These obligations are reflected in the development consent, which requires Centennial rehabilitate the site in accordance with the conditions imposed by its mining leases¹, and prevent or minimise harm to the environment².
27. The Department notes that at the time MP 06_0021 was originally approved, ML 1424 had an expiry date of 18 August 2024. However, ML 1424 and CCL 704 have since been renewed until 18 August 2045 and 2039, respectively. There is therefore no question that Centennial's obligation to rehabilitate the site in accordance with the conditions imposed by its mining leases continues to apply after 18 August 2024.
28. The site is managed under an existing suite of management plans, including an approved Rehabilitation Strategy and Rehabilitation Management Plan. These plans anticipate mine closure in 2042, following the completion of mining operations associated with Angus Place West, which remains subject to relevant approvals. Decommissioning and a range of rehabilitation activities are scheduled to commence following closure. The Rehabilitation Strategy includes contingency should Angus Place West not proceed and/or early closure is required.
29. In the meantime, the site must be managed to prevent or minimise harm to the environment.

4.3 Scope of modification

30. The modification application was lodged under Section 4.55(1A) of the EP&A Act. A development consent can only be modified under section 4.55(1A) if the consent authority is satisfied that the proposed modification is of minimal environmental impact and that the development, as modified, would remain substantially the same as originally approved, or in this case, as most recently modified under section 75W³ of the EP&A Act, this being MOD 5.
31. Submissions raised concerns regarding the application of 4.55(1A), suggesting the modification would result in greater than minimal environmental impact.
32. The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impact and would remain substantially the same as the approved development at the time of MOD 5, as:

¹ MP 06_0021 Schedule 3 conditions 36B and 37

² MP 06_0021 Schedule 2 condition 1 and *Mining Regulation 2016*, Schedule 8A, Part 2

³ Pursuant to section 3BA(6) in Schedule 2 to the *Environmental Planning Assessment (Savings, Transitional and Other Provisions) Regulation 2017*

- the modification would not change the nature, scale or duration of development activities authorised by the consent and would not result in any changes or extension to coal extraction;
 - the modification would remove any ambiguity in relation to Centennial's ability to continue to carry out activities that are necessary for ongoing management and rehabilitation of the land, as required under the consent and related statutory approvals; and
 - environmental impacts of the development as modified would be similar to the approved development.
33. During the assessment process, concerns were raised in relation to powers to modify a development consent that would not result in a change to the original development. To address this concern, Centennial sought to amend the modification application which would involve a change to the original development. Nonetheless, section 4.55(1A) of EP&A Act was amended in May 2025, which included a clarification that a consent authority can modify a condition of consent that would not result in a change to the original development.
34. The Department is therefore satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and can be assessed and determined under this section.

4.4 Consent authority

35. In accordance with Section 4.5(a) of the EP&A Act and clause 2.7(3) of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), the Commission is the consent authority for the modification application, as Centennial has reported political donations.

4.5 Other approvals

36. Angus Place operates under environment protection licence 467 (EPL 467). EPL 467 requires Centennial to undertake a range of environmental monitoring activities and to maintain the site, equipment and water management system in such a way as to prevent harm to the environment or a breach of the limits established under the licence.
37. Angus Place also operates under ML1424 and CCL704 which expire on 18 August 2045 and 20 July 2039 respectively. No additional mining lease is required for the modification.
38. The conditions of the mining lease establish various obligations on the lease holder to prevent or minimise harm to the environment and to rehabilitate the site to the satisfaction of the Minister administering the *Mining Act 1992*.

4.6 Mandatory matters of consideration

39. In determining the modification, the consent authority must take into consideration the relevant matters referred to in section 4.15(1) and 4.55(3) of the EP&A Act, including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability, submissions and the public interest.
40. The Department has considered these matters carefully and has summarised its findings in Sections 6 and 7 and Appendix B of this report.

4.7 Biodiversity development assessment report

41. Under Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act), the Department is satisfied that a Biodiversity Development Assessment Report (BDAR) is not required to be submitted for the proposed modification as the application would not increase impacts on biodiversity values.

5 Engagement

5.1 Department's engagement

42. The EP&A Act does not require exhibition or notification of an application to modify a consent under section 4.55(1A). Nonetheless, the Department publicly exhibited the modification application and Modification Report on the NSW Major Projects planning portal for a period of 14 days from 23 July until 5 August 2024. The Department also notified previous submitters to the original application and invited comment from relevant government agencies and Lithgow City Council (Council).
43. A full copy of public submissions and agency advice received on the modification is provided in Appendix A.

5.1.1 Summary of public submissions

44. Four objecting public submissions were received during the exhibition of the modification application, including two from individuals and two from special interest groups.
45. The key concern raised in the objecting submissions were in relation to:
 - the statutory context of the modification application, including the application of EP&A Act and EP&A Regulations, the chosen assessment pathway and compatibility with the relevant environmental planning instruments;

- potential impacts on water resources;
- a need for a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- provision of false and misleading information; and
- Centennial’s track record of compliance to date.

46. The Department’s consideration of these submissions is summarised in **Appendix B**.

5.1.2 Summary of agency advice

47. Three State government agencies and WaterNSW provided advice on the modification. A summary of this is provided in **Table 2**.

Table 2 | Summary of agency advice

Agency	Advice summary
Environment Protection Authority (EPA)	• Noted that ongoing surface and groundwater management is required at the site. • Requested clarification regarding the interactions of the modification with the ongoing water management at other interrelated sites including Mount Piper Power Stations and Springvale Colliery. • Requested further information in relation to the consistency of EPL 467 conditions with the premises activities. • Provided comments on draft conditions of consent. The Department revised the recommended conditions in response to EPA’s advice and sent the revised conditions to EPA on 20 August 2025 who raised no further concerns.
NSW Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science (BCS) and NSW National Parks and Wildlife Service	• Noted that the modification application is consistent with ongoing rehabilitation works being undertaken by Centennial at East Worgan Newnes Plateau shrub swamp.
NSW Resources Regulator	• Raised no specific comments.
WaterNSW	• Raised no specific comments.

5.1.3 Summary of council submission

48. Council raised no concerns.

5.2 Response to submissions

49. Following public exhibition, the Department requested that Centennial respond to the issues raised in submissions and the advice received from government agencies.
50. Centennial provided a submissions report to the Department on 14 November 2024 (see **Appendix A**), and the Department published the report on the NSW Major Projects planning portal.

6 Assessment

51. The Department considers that the proposed modification does not result in any impacts beyond what is currently approved under the Angus Place development consent (MP 06_0021), given that the modification does not alter any activities approved under MP 06_0021 or the timeframe in which those activities are approved to be undertaken.
52. The site would continue to be managed in accordance with various approvals held by Centennial, including the conditions of MP 06_0021, EPL 467, ML 1424 and consolidated CCL 704.
53. Minor administrative amendments to the development consent have also been recommended to contemporise compliance reporting conditions.

7 Evaluation

54. The Department has assessed the merits of the proposed modification and has considered the relevant matters and objects of the EP&A Act, advice from government agencies, Council and public submissions, and strategic government policies and plans.
55. The Department understands that the modification is proposed to provide clarity regarding the operation of condition 5 of Schedule 2 of the Angus Place development consent, which states that the approval ‘lapses’ on 18 August 2024. The Department considers that the current ambiguity concerning the operation of condition 5 is not in the public interest and a modification to provide greater certainty is warranted.

56. Noting that the modification does not alter any activities approved under the consent or the timeframe in which those activities are approved to be undertaken, the Department's assessment has found that there would be no impacts associated with the proposed modification beyond those already approved.
57. The modification application would align the Angus Place development consent with other contemporary mining consents that expressly acknowledge that the consent continues to apply in all respects other than to permit the carrying out of mining operations, until such time as all decommissioning, rehabilitation and other requirements of the consent have been carried out to the required standard.
58. Consequently, the Department considers that the proposed modification is in the public interest and is approvable, subject to the recommended conditions set out in the notices of modification (see **Appendix D**). A consolidated development consent incorporating the recommended changes is provided in **Appendix E**.
59. The Modification Assessment Report is hereby presented to the Commission to determine the application.

Appendices

Appendix A – List of referenced documents

Refer to the relevant tabs on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-approval-lapse-date>

A1 - Modification Report (refer to the “Modification Application” tab)

A2 – Submissions (refer to the “Submissions” tab)

A3 - Agency advice (refer to the “Agency Advice” tab)

A4 – Submissions Report (refer to the “Response to Submissions” tab)

Appendix B – Consideration of public submissions

The Department’s consideration of public objecting submissions is summarised in Table B1 below.

Table B1 | Consideration of public submissions

Matter	Concerns raised	Response
Assessment pathway	- MP 06_0021 has expired due to Condition 5 of Schedule 2, which requires all approved development to cease on 18 August 2024. - Section 4.55(1A) does not apply as the modification would result in greater than minimal environmental impact.	- As discussed in Sections 3.2 and 4.2, the development consent has not expired and the Department considers that the limitation imposed by condition 5 of Schedule 2 of MP 06_0021 applies to mining operations only, rather than all authorised activities permitted by MP 06_0021. - Justification for the application of section 4.55(1A) is discussed in Section 4.3.
Notification and exhibition requirements	- Compliance with the notification and exhibition requirement under the EP&A Act and EP&A Regulations for 4.55(2) modifications, including compliance with requirements in relation to: - the minimum exhibition period; and - publishing of the notice by the consent authority.	- The modification has been submitted and assessed under section 4.55(1A) of the EP&A Act. - As discussed in Section 5.1, the EP&A Act does not require exhibition of an application to modify a consent under section 4.55(1A). Nonetheless, the Department publicly exhibited the application on the NSW Major Projects planning portal and notified previous submitters to the original application. - Section 106 of the EP&A Regulation, which requires publishing notification of an application on the consent authority's website, does not apply to a modification under section 4.55(1A) of the EP&A Act.
Compatibility with the relevant environmental planning instruments	Compatibility with the <i>State Environmental Planning Policy (Resources and Energy) 2021</i>, particularly in relation to impacts on water resources and efficiency of resource recovery.	The Department's consideration of the modification application against the <i>State Environmental Planning Policy (Resources and Energy) 2021</i> is presented in Appendix C.

Matter	Concerns raised	Response
Potential impacts on water resources	• Potential impact of the modification on water resources, including: – potential impacts on Greater Blue Mountains Area and Sydney’s drinking water catchment associated with the continuation of water discharges; and – cumulative impacts on the Gardens of Stone SCA associated with mine water extraction, including any impacts on swamps and wetlands.	• The modification does not propose any changes to water management and does not require any changes to the approved water management system, discharge points, discharge volume, or mine water extraction limits. • The Department notes that ongoing water management is required to prevent uncontrolled discharge of water from the site and flooding of mine workings that would result in sterilisation of the potential future coal reserves within ML1424 and CCL704. • As discussed in Section 4.2, ongoing water management is authorised under MP 06_0021, and would continue to be required and carried out irrespective of this modification application, in accordance with the requirements of various approvals, including EPL 467, ML1424 and MP 06_0021. • Given this, the Department considers that the modification would not result in any additional impacts on groundwater and surface water compared to the approved operations. • Groundwater and surface water would continue to be managed in accordance with the approved Angus Place Water Management Plan.
Delays to decommissioning and rehabilitation	• Unacceptable delays to decommissioning and rehabilitation with the site being in care and maintenance since 2015 and not scheduled for decommissioning until 2042.	• Significant coal reserves remain unextracted within the Angus Place mining leases. These mining leases have been renewed until 18 August 2045 and 2039 providing Centennial the continued right to extract this coal subject to relevant planning and environmental approvals. • As noted in Section 1.3, Centennial has been actively pursuing opportunities to recommence mining at Angus Place since the site was placed in care and maintenance in 2015. This has included the submission and later withdrawal

Matter	Concerns raised	Response
		of the Angus Place Extension Project and ongoing preparation of an application for the Angus Place West Project. • The existing regulatory framework in NSW enables mines to be placed into care and maintenance, with the potential to recommence mining at a later date. Mining companies remain responsible for the mine site and ongoing monitoring and management. • The Resources Regulator is the regulator of mine rehabilitation in NSW and has approved ongoing rehabilitation and care and maintenance activities at Angus Place since 2015. The activities are outlined in the approved Angus Place Care and Maintenance Mining Operations Plan, Rehabilitation Management Plan and Forward Programs prepared for the Resources Regulator under the condition of the mining lease. • The Resources Regulator raised no concerns regarding the proposed modification.
False and misleading information	• Suggestion that Centennial has provided false and misleading information in the modification application, specifically, that the Modification Report fails to acknowledge that Centennial has no immediate plans for decommissioning and rehabilitation of the site while an application for the Angus Place West Project is being progressed.	• The Department does not consider that the Modification Report provides false or misleading information, noting: – the Modification Report makes references to the Angus Place West Project in Section 1.1 and states Centennial's intention to recommence underground mining activities at Angus Place; – the Secretary's Environmental Assessment Requirements (SEARs) for the Angus Place West Project were publicly available on the NSW Major Projects website until June 2025, which identified that the project would

Matter	Concerns raised	Response
		involve continuation of underground mining at Angus Place until 2042⁴; and – the Modification Report does not make any references to rehabilitation and decommissioning occurring immediately, or within a specified timeframe.
Assessment under the EPBC Act	• Failure to refer the modification action as a controlled action under the EPBC Act.	• Not a matter for consideration under the EP&A Act.
Centennial's track record	• Centennial's history of poor compliance.	• Not a matter for consideration under the EP&A Act. • Centennial is required to comply with various environmental management, reporting and auditing conditions under development consent MP 06_0021 and other relevant approvals. Centennial would continue to be required to comply with these conditions under the development consent.

⁴ The SEARs for this project have lapsed. The Department understands that Centennial intends to apply for new SEARs. This would need to occur before any lodgement of an EIS

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table C1 below.

Table C1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The modification meets this objective because it would allow for the decommissioning, rehabilitation and mine closure activities to be completed.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department considers that the modification can be carried out in a manner that is consistent with the principles of ecologically sustainable development as it would: • not disturb any native vegetation, Aboriginal cultural heritage or historic heritage; • have minimal environmental impact beyond what is already approved; and • allow for decommissioning and rehabilitation of the mine site.
(c) to promote the orderly and economic use and development of land,	The modification represents a continuation of a long-standing historical land use which is permissible on the subject land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The modification does not require any land clearing and avoids any impacts on threatened species and communities and key habitats.

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The modification would not directly impact Aboriginal cultural heritage or historic heritage.
(g) to promote good design and amenity of the built environment,	The modification would not require any changes to the existing built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The modification does not require the construction of any buildings.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	The Department has assessed the modification application in consultation with Lithgow City Council and other relevant NSW government authorities and considered the issues raised by these agencies in its assessment.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the Modification Report and application and considered all submissions in its assessment.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the following considers the relevant provisions of the EPIs that govern the carrying out of this project and have been taken into consideration in the Department's environmental assessment.

Lithgow Local Environmental Plan 2014 (Lithgow LEP 2014)

Angus Place is located within the Lithgow Local Government Area and the *Lithgow Local Environmental Plan 2014* (Lithgow LEP 2014) applies to this modification application.

The Department notes that the original development application was submitted and approved under the *Lithgow Local Environmental Plan 1994*. Under the Lithgow LEP 1994, the subject land was zoned Rural (General) 1(a) and Rural (Forestry) 1(f), and coal mining was permissible with development consent.

Under the Lithgow LEP 2014, the Angus Place project area is zoned a mix of Primary Production (RU1), Forestry (RU3) and Infrastructure (SP2). Underground mining is not permitted with or without development consent within these land use zones.

However, under Section 2.9(1)(a) and Part 2.6 of the *Resources and Energy State Environmental Planning Policy (Resources and Energy SEPP)* underground mining may be carried out on any land with development consent, and that the Resources and Energy SEPP prevails where there is an inconsistency with an LEP. Therefore, the Department considers that this modification application is permissible with development consent.

State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)

Section 2.9(1)(a) of the SEPP identifies that underground mining is permissible with consent on any land (as noted above). Consequently, the proposed modification is permissible with consent under this SEPP, and the Commission may determine the application. The Department notes that the modification does not include any changes to the already approved disturbance area or project boundaries.

In addition, Part 2.3 of the SEPP lists a number of matters that a consent authority must consider before determining an application for consent to undertake development for the purposes of mining. The Department has considered these matters in its assessment of the proposed modification and finds that:

- it would remove any ambiguity in relation to Centennial's ability to:
 - continue operation of the site water management system to prevent pollution;
 - continue to manage groundwater inflows to prevent sterilisation of future coal reserves remaining with the mining lease, noting that ML1424 has been renewed until 18 August 2045; and
 - implement approved mine closure and rehabilitation commitments in accordance with the requirements of the development consent and mining lease, ensuring the mine workings and site remain safe, stable and non-polluting;
- there would be no changes to already approved water, noise and air quality impacts;
- there would be no changes to approved transport arrangements, or already approved impacts on threatened species and biodiversity; and
- there would be negligible changes in greenhouse gas emissions.

Based on its assessment of the project, the Department considers that the proposed modification can be managed in a manner that is generally consistent with the aims, objectives and provisions of Chapter 2 of this SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to Angus Place as it is located within the Sydney drinking water catchment. Clause 6.61 states that a consent authority

must not grant a consent to development relating to any part of the Sydney drinking water catchment unless it is satisfied that the carrying out of the development would have a neutral or beneficial effect (NoBE) on water quality.

While this does not apply to a modification application, the Department has considered the modification's potential impacts on water quality to ensure the protection of Sydney's drinking water catchment. The Department considers that the modification would be unlikely to impact water quality and the site would continue to operate under its existing approved Water Management Plan.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 of this SEPP requires persons proposing to carry out development for the purposes of potentially hazardous industry to prepare a Preliminary Hazard Analysis (PHA) and to submit this with the development application.

The original EIS for Angus Place considered the potential hazards and risks associated with the project, and the Department considered that the original application meet the requirements of the SEPP (*SEPP No.33 – Hazardous and Offensive Development*).

Centennial notes in its Modification Report that contamination is unlikely to have occurred at its surface facilities site, and that it implements best practices for working with hazardous materials through environmental management plans and work health and safety systems.

The proposed modification is not considered a “potentially hazardous industry” or “potentially offensive industry” as described in this *Resilience and Hazards SEPP*. Consequently, Centennial did not prepare a preliminary hazard analysis, and the Department considers that Part 3.11 of the SEPP does not apply to determination of the modification application.

Reasons for granting consent to the original application

In determining the Angus Place Coal Project (MP 06_0021), the (then) Minister for Planning concluded that the benefits of the project outweighed the impacts, and imposed a range of strict conditions to appropriately manage the impacts. The Department has considered the proposed modification against the reasons the Minister provided for determining the project and considers that none of these reasons would preclude the approval of the modification application.

Appendix D – Recommended instrument of modification

Refer to the “Recommendation” tab on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-approval-lapse-date>

Appendix E – Consolidated Development Consent

Refer to the “Recommendation” tab on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-approval-lapse-date>