

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission, **approves** the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

[Delegate Name]
Member of Commission

[Delegate Name]
Member of Commission

Sydney

2025

SCHEDULE 1

Development consent: 06_0021 granted by the Minister for Planning on 13 September 2006

For the following: Angus Place Coal Project

Applicant: Centennial Angus Place Pty Limited

Consent Authority: Independent Planning Commission

The Land: See Appendix 1 of 06_0021

Modification: Modification to clarify the limits on approval.

SCHEDULE 2

1. In the list of definitions, delete the terms 'BCD' and 'DPE Water' and their definitions, and insert the following definitions in alphabetical order:

CPHR	Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
Decommissioning	The permanent cessation of active use of the mine, including demolition of buildings, infrastructure and other works
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site, and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material; including underground development necessary for mining operations to be carried out. Mining operations exclude decommissioning and rehabilitation as defined by this consent
NSW DCCEEW – Water Group	NSW Department of Climate Change, Energy the Environment and Water - Water Group

2. In the document, delete all references to 'BCD' and replace with 'CPHR'
3. In the document, delete all references to 'DPE Water' and replace with 'NSW DCCEEW – Water Group'
4. In the list of definitions, delete the definition for 'Department' and replace with 'Department of Planning, Housing and Infrastructure'.
5. In the list of definitions, in the definition for 'EA' after "(dated 22 August 2022)", delete full stop and insert;
"; and"
 - o Modification application 06_0021 Mod 9 and supporting documentation:
 - Modification report titled "*Modification Report for modification 9 to MP 06_0021 (MOD9)*" (dated June 2024); and
 - associated "*MP 06_0021 Modification 9 Response to Submission Report*".
6. In the list of definitions, in the definition of 'Heritage NSW', following the word 'Department', insert "of Climate Change, Energy, the Environment and Water".
7. In the list of definitions, delete the definition for 'Incident' and replace with the following:

An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance
8. In the list of definitions, delete the definition for "Material harm to the environment" and replace with the following:

Is harm that:

 - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission or other escape or deposit of a substance, and as a consequence of

that environmental harm (pollution), may cause harm to the health or safety of people;
or

- results in actual 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)

Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval

Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements

9. In the list of definitions, in the definition of ‘Minister’, before “, or delegate”, insert “and Public Spaces”.
10. In the list of definitions, delete the definition of ‘RR’ and replace with “Resources Regulator within the Department of Regional NSW”.
11. In the list of definitions, delete the definition of “Secretary” and replace with “Planning Secretary under the EP&A Act, or nominee”.
12. In Condition 5 of Schedule 2, before “18 August 2024”, delete “This approval lapses on” and replace with “Mining operations may only be carried out on the site until”.
13. Insert the following below Condition 5 of Schedule 2 and above Condition 6 of Schedule 2:

Notes:

- *Under this approval, the Applicant is required to decommission and rehabilitate the site and perform additional undertakings in relation to mining operations. These undertakings include water management and dewatering activities as described in the EA. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*
- *Mining operations and rehabilitation are also regulated under the Mining Act 1992.*

14. In Schedule 5, delete subheading “Incident Reporting” and replace with “Incident Notification, Reporting and Response”
15. Delete Condition 6 of Schedule 5 and replace with the following:

6. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
 - (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.
- 6AA. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 8.

NON-COMPLIANCE NOTIFICATION

- 6A. 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 and must

be submitted via the NSW planning portal (Major Projects). The notification must 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, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, 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.

16. Insert the following after Condition 9 of Schedule 5:

- 9A. Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website.

17. After Appendix 7 and its text, insert the following on a new page:

APPENDIX 8 - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition 6 of Schedule 5 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Secretary) of the Applicant making the immediate incident notification (in accordance with Condition 6 of Schedule 5), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident;
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Secretary.

18. In the table of contents, add a new line below “APPENDIX 7 – MOD 4 STATEMENT OF COMMITMENTS” and insert the following:

APPENDIX 8 - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS 38

**End of modification
(SSD MP 06_0021 MOD 9)**

Recommended