



New South Wales Government
Independent Planning Commission

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Angus Place Coal Mine MOD 9 MP 06_0021-Mod-9

Statement of Reasons for Decision

Simon Smith (Chair)

9 October 2025

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1. Introduction

1. On 27 August 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) modification application MP06_0021-Mod-9 (**Modification Application**) from Centennial Angus Place Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Modification Application seeks to modify the development consent for the Angus Place Coal Mine (MP06_0021) (**Existing Approval**) located in the Lithgow City Council (**Council**) Local Government Area (**LGA**) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the SEPP Planning Systems, the Commission is the consent authority as the Applicant disclosed a reportable political donation.
3. Andrew Mills, Chair of the Commission, determined that Simon Smith (Chair) would constitute the Commission for the purpose of exercising its functions with respect to the Modification Application.
4. The Department concluded in its Assessment Report (**AR**) that the modification is in the public interest and is approvable subject to conditions of consent.

2. Site and Background

5. The Angus Place Coal Mine (**Site**) is located 5km to the North of Lidsdale Village and 8km north-west of Wallerawang.
6. While mining has taken place at the Site since 1979, the most recent operations have been pursuant to the Existing Approval, which was granted 13 September 2006 and modified seven times (AR para 2-3). Since 2015, the Site has been in care and maintenance. Some equipment has been removed from underground and surface machinery is being maintained to permit the removal of coal stores within the lease area, subject to relevant approvals. Environmental management and monitoring operations currently occur on the Site to ensuring compliance with a number of approvals, including an environmental protection licence (**EPL**), mining lease (**ML**) and a consolidated coal lease (**CCL**) (AR para 4-5).

3. The Modification Application

7. The Applicant is seeking to modify condition 5 of Schedule 2 of the Existing Approval to clarify that the limitation imposed by the condition applies to mining operations only, rather than all authorised activities permitted by the consent. Condition 5 is proposed to be amended as set out below (deletions are shown with a strikethrough, additions are in **bold underlined**):

5. ~~This approval lapses on~~ **Mining operations may only be carried out on site until 18 August 2024.**

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.**
8. The Department states the amendment would align the Existing Approval with the wording of other contemporary mining consents. Such consents expressly acknowledge 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 (AR para 10).
9. Several additional condition amendments are proposed by the Department to align the Existing Approval with contemporary incident notification, compliance and reporting requirements and to update State agency names and definitions.

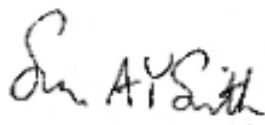
4. Material Considered by the Commission

10. In this determination, the Commission has given consideration to the:
- matters raised in public submissions as set out in [Appendix A – Community Consultation Report](#);
 - documents and planning framework as set out in [Appendix B – Commission's Considerations](#); and
 - Department's whole-of-government assessment as set out in [Appendix C – Department's Assessment Report](#).

5. Reasons for the Decision

11. The Commission has considered Modification 9 to MP06_0021 for the Angus Place Colliery, which seeks to amend Condition 5 of Schedule 2 of the development consent. The purpose of the modification – as set out in Section 3 of this report – is to clarify that only mining operations are to cease after 18 August 2024, and that other authorised activities such as decommissioning, rehabilitation, and environmental management can continue. The Commission notes that the modification does not seek to alter the scope, nature, or duration of the approved development, nor does it authorise any new physical works or mining activity.
12. The modification was lodged under section 4.55(1A) of the EP&A Act. The Commission is satisfied that the modification involves minimal environmental impact and that the development, as modified, would remain substantially the same as originally approved. The Commission notes that in accordance with section 4.55(1A) of the EP&A Act, a consent authority may modify a condition of consent even where the modification does not result in a change to the original development.

13. Concerns raised in public submissions to the Department focused on the legal basis for the modification, the interpretation of the Existing Approval's lapse condition, and the potential for the modification to delay rehabilitation. The Commission has carefully considered these matters but agrees with the Department's assessment that Condition 5 of Schedule 2 limits only the period in which mining operations may occur. The consent remains valid for other authorised activities, including rehabilitation and environmental management. The Commission considers that clarifying this interpretation is in the public interest, as it ensures regulatory certainty and supports the orderly rehabilitation of the Site.
14. The Commission notes that the modification does not alter any existing environmental management obligations. Ongoing water management is required under the existing EPL 467 and ML 1424, and the existing CCL 704 and would continue irrespective of this modification. The Commission accepts the Department's assessment, which states the modification would not result in any additional environmental impacts, including in relation to water resources, biodiversity or air quality. The Site would continue to be managed under existing approved management plans, including the Rehabilitation Strategy and Rehabilitation Management Plan.
15. The Commission also considered the concerns raised regarding the impacts of the modification on the timing of rehabilitation. The Site has been in care and maintenance since 2015 and is subject to approved rehabilitation plans with oversight from the NSW Resource Regulator. During this time the Applicant has been actively progressing the Angus Place West Project. The Commission notes that coal resources remain within the Angus Place Colliery Holding. The Commission also recognises that a requirement of the Applicant's mining lease tenure is to maximise recovery of available resources. The Commission further acknowledges that any future extraction of these resources would be subject to separate and subsequent approvals. The modification does not alter the timing or standards of rehabilitation and rehabilitation obligations under the Existing Approval and mining leases remain in force. The Commission also notes that the modification does not prevent rehabilitation from occurring earlier, should circumstances change.
16. Given that the modification does not alter the timing, scope, or standards of rehabilitation, and that all mining operations have ceased, the Commission considers that there would be no adverse environmental impacts as a result of the modification.
17. The Commission notes that some submissions to the Department raised concerns regarding the Applicant's historical compliance record. Matters relating to the identity of the Applicant or alleged past compliance issues are not pertinent to the Commission's merit-based consideration of the Modification Application.
18. The Modification Application satisfies relevant legislative requirements and will make clear that the ongoing remediation and rehabilitation requirements are able to continue under the Existing Approval, and that all mining operations have ceased. The Commission has therefore determined to approve the modification of the Existing Approval subject to the conditions of the instrument of modification in [Appendix D – Instrument of Modification](#).
19. The reasons for the Decision are given in the Statement of Reasons for Decision dated 9 October 2025.



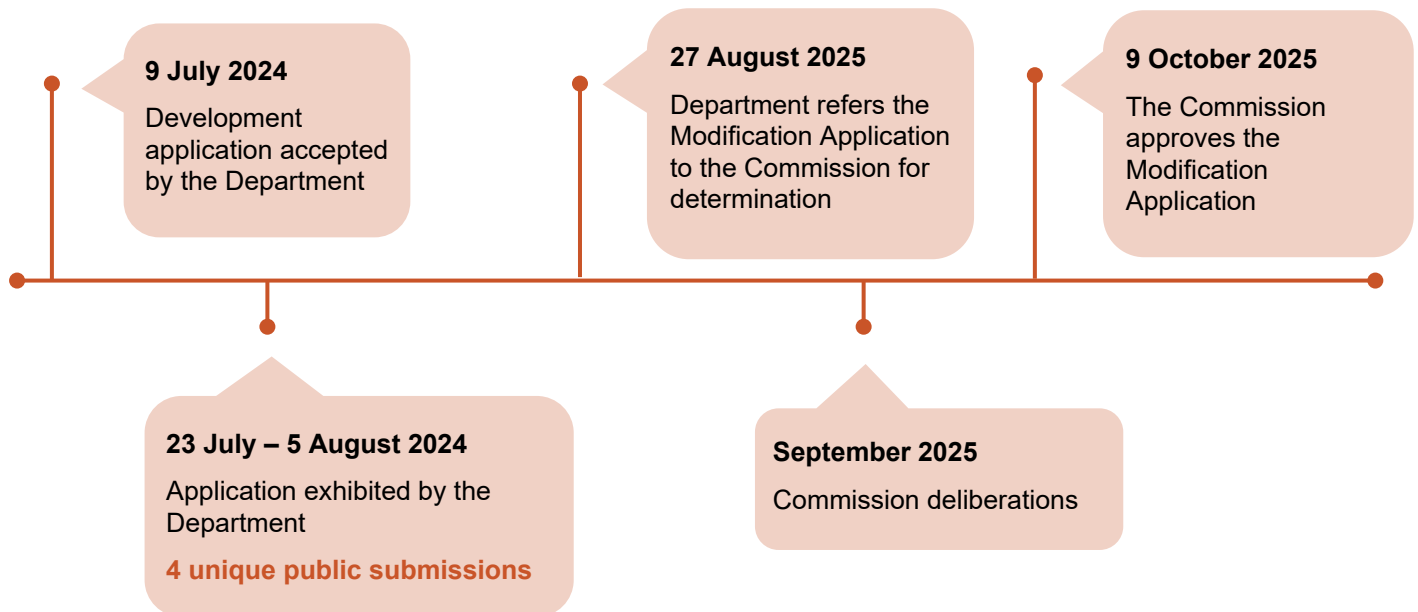
Simon Smith (Chair)
Member of the Commission

Appendix A – Community Consultation Report

Public consultation overview

A summary of the SSD Mod Application timeline and key engagement milestones are outlined below.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

During its assessment of the Project the Department exhibited the Modification Application and received 4 objections. The Department also notified previous submitters to the original Modification Application and consulted with key government agencies and Council. Chapter 5 of the Department's Assessment Report outlines how these submissions were considered in the assessment.

The Commission's public consultation

As part of its public consultation process, the Commission may choose to meet with relevant stakeholders, invite written submissions, or hold a public meeting. In this instance, the Commission did not consider it necessary to undertake public consultation on the Modification Application for the following reasons:

- the Modification Application was referred to the Commission as the Applicant has made reportable political donation disclosures;
- under the EP&A Act, exhibition or notification of an application to modify consent under section 4.55(1A) is not required;
- the Department publicly exhibited the Modification Application and received a relatively low number of submissions (4 objections); and
- Council did not object to the Modification Application.

The Commission has reviewed the submissions received by the Department and is satisfied that all issues raised have been sufficiently addressed.

Appendix B – Commission’s Considerations

Documents considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Modification Report	10 June 2024
Modification Application	24 June 2024
Public submissions made to the Department during exhibition	Various
Applicant’s Response to Submissions Report and its accompanying appendices	14 November 2024
Department’s Assessment Report and recommended instrument of notification	27 August 2025
Department’s response to the Commission’s request for information	19 September 2025
Applicant’s response to the Commission’s request for further information	1 October 2025

Planning Framework

Appendix B – Table 2: Strategic and Statutory context

Strategic context	Commission’s consideration
Central West and Orana Regional Plan 2041 (Regional Plan)	The Modification Application seeks to clarify the cessation of mining operations on the Site, which aligns with the Regional Plan’s acknowledgement of the State’s transition away from coal-fired power generation in Lithgow (p 12).
Lithgow Local Strategic Planning Statement 2020 (LSPS)	The LSPS notes the economic values of the LGA’s rural areas and that mining is also a key industry that the region is known for. Subsequently the management of potential land use conflicts is important to ensure economic potential of agricultural and extractive resource production is not adversely impacted. The CSP also highlights the mining industry as a key employer within the LGA.
Lithgow Community Strategic Plan 2040 (CSP)	As the Modification Application does not alter the current operational arrangements, mining activities or rehabilitation of the Site (as approved), the Commission finds the Modification Application does not conflict with the strategic planning framework applicable to the Site.
Statutory context	Commission’s consideration
State significant development	The Existing Approval was approved via the former (repealed) Part 3A provisions of the EP&A Act. Pursuant to the <i>Environmental Planning and Assessment (Savings, Transition and Other Provisions Regulation 2017 (STOP Reg)</i> , an order gazetted 12 October 2018 transitioned the Project to SSD.
Consent authority	Pursuant to section 4.5(a) of the EP&A Act and section 2.7(3) of SEPP Planning Systems, the Commission is the consent authority as the applicant has made political donation and reported such donations in the making of the Modification Application.
Permissibility	The Modification Application does not seek to change or alter any aspect of the approved use of the Site as a colliery.

Objects of the EP&A Act and Ecologically Sustainable Development (ESD)	The Modification Application clarifies the cessation of mining operations on the Site and ensures the ongoing decommissioning and rehabilitation works can continue. The Commission finds the Modification Application to be generally consistent with the objects of the EP&A Act and ESD principles.
Other approvals and authorisations	An EPL, CCL and ML are in place on the Site. These approvals continue to operate and will not be impacted by the issuing of a modified development consent for the Modification Application.
Mandatory considerations	Commission's consideration
Relevant environmental planning instruments (EPIs)	Appendix C of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include: • <i>State Environmental Planning Policy (Planning Systems) 2021</i>; • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>; • <i>State Environmental Planning Policy (Resources and Energy) 2021</i>; and • <i>Lithgow Local Environmental Plan 2014</i>. The Commission has considered these EPIs as part of its determination.
Relevant Development Control Plans (DCPs)	Pursuant to section 2.10 of SEPP Planning Systems, DCPs do not apply to SSD.
Any planning agreement or draft planning agreement	Not applicable to this Application.
Likely impacts of the development	The Commission has considered potential likely impacts of the development. As the Modification Application does not seek to change any activities or land uses on the site, the potential impact on the natural and built environment, and potential social and economic impacts, are considered to be nil.
Suitability of the Site for development	The use of the Site as a colliery has been previously found to be suitable as part of assessments relating to the Existing Approval. The Modification Application clarifies the cessation of mining operations on the Site and does not alter the approved use of the Site.
The public interest	The Commission has considered the public interest in deciding to modify the Existing Approval. In doing so, the Commission has evaluated the likely impacts of the Modification Application and considered the relevant ESD principles. The Modification Application is in the public interest.

Appendix C – Department’s Assessment Report

[Link to Department’s Assessment Report, dated August 2025](#)

Appendix D – Instrument of Modification

[Link to Instrument of modification, dated 9 October 2025](#)



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