

Project Approval

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

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

These conditions are required to:

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

Project Approval signed by Frank Sartor on 12 March 2008

Frank Sartor MP
Minister for Planning

Sydney

2008

SCHEDULE 1

Application No:	06_0311
Proponent:	Centennial Coal Company Limited
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Mannering Colliery – Continuation of Mining Project

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

Blue text represents Modification 2 of November 2014 (06_0311 MOD 2)

Green text represents Modification 3 of December 2015 (06_0311 MOD 3)

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DEFINITIONS

Annual review	The review required by Condition 3 of Schedule 5
Affected councils	Wyong Shire Council and Lake Macquarie City Council
APZs	The asset protection zones shown in Figure 4 in Appendix 2
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; and any pipeline, water, sewer, telephone, gas or other service main
BCA	Building Code of Australia
CCC	Community Consultative Committee
Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning & Environment
DPI Water	Department of Primary Industries-Water
DRE	Division of Resources and Energy of the Department of Industry
EA	Environmental Assessment titled <i>Mannering Colliery Environmental Assessment</i> , dated March 2007, including the response to submissions, dated 27 July 2007
EA (Mod 1)	Environmental Assessment titled <i>Mannering Colliery – Extension of Mine Project Section 75W Modification to Project Approval 06_0311</i> , as modified by the associated response to submissions dated 4 September 2012
EA (Mod 2)	Environmental Assessment titled <i>'Mannering Colliery – Modification 2, Environmental Assessment, Section 75W Modification to MP 06_0311'</i> dated April 2014, as modified by the associated response to submissions dated 15 September 2014
EA (Mod 3)	Environmental Assessment titled <i>'Mannering Colliery – Modification 3 Environmental Assessment, Section 75W Modification to MP 06_0311'</i> dated June 2015, including the associated Response to Submissions dated September 2015
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
First workings	Extraction of coal by bord and pillar workings and the like
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this approval
Land	As defined in the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this approval where it is defined to mean the whole of a lot, or contiguous lots, owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
LMCC	Lake Macquarie City Council
Mining operations	Includes all extraction, processing, handling, storage and transportation of coal carried out on the site
Minister	Minister for Planning, or delegate
Minor	Not very large, important or serious
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage within the Department of Primary Industries
Privately-owned land	Land that is not owned by a public agency, Vales Point Power Station or a mining company (or its subsidiary)
Proponent	Centennial Coal Company Limited or any other person or company (including LakeCoal Pty Limited) who rely on this approval to carry out the project that is subject to this approval

Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
ROM	Run-of-mine
RMS	Roads and Maritime Services
Second workings	Extraction of coal by pillar extraction methods
Secretary	Secretary of the Department, or nominee
Site	Land referred to in Appendix 1
SMP	Subsidence Management Plan
Statement of Commitments	The Statement of Commitments in Appendix 3
Subsidence	Subsidence of the land surface caused by underground coal mining
WSC	Wyong Shire Council

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) EA (Mod 1);
 - (c) EA (Mod 2);
 - (d) EA (Mod 3); and
 - (e) Project Layout Plans.

Note:

- The Project Layout Plans are shown in Appendix 2.

- 2A. The Proponent shall carry out the development in accordance with the
 - (a) Statement of Commitments; and
 - (b) conditions of this approval.
3. If there is any inconsistency between the documents in condition 2, the most recent document shall prevail to the extent of the inconsistency. The conditions of this approval shall prevail over the documents in conditions 2 and 2A(a) to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

Limits on Approval

5. Mining operations may take place until 30 June 2022.

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

6. The Proponent shall not extract more than 1.1 million tonnes of ROM coal a year from the site.
- 6A. The Proponent shall not transport more than 1.3 million tonnes of ROM coal a year from the site.
7. The Proponent shall ensure all coal produced and/or received on the site is transported by overland conveyor to Vales Point Power Station.

Updating and Staging Strategies, Plans or Programs

8. The Proponent must regularly review the strategies, plans and programs required under this approval and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis.

With the agreement of the Secretary, the Proponent may prepare a revision or stage of any strategy, plan or program required under this approval without undertaking consultation with all parties nominated under the applicable condition in this approval.

Notes:

- *While any strategy, plan or program may be submitted on a staged basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

Structural Adequacy

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

Notes:

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

Demolition

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

Operation of Plant and Equipment

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

Community Enhancement Program

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

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Criteria

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

Table 1: Noise limits dB(A)

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

Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

This condition only has effect prior to recommencement of underground coal extraction at Mannering Colliery. At all other times, conditions 1 to 4 of Appendix 4B have effect in its place.

Noise Mitigation

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

Noise Monitoring

- The Proponent shall prepare a Noise Monitoring Program for the project to the satisfaction of the [Secretary](#). This program must:
 - be submitted to the [Secretary](#) by the end of September 2008;
 - be revised in consultation with the EPA and be submitted to the [Secretary](#) by the end of April 2016; and
 - include the use of [continuous and](#) attended noise monitoring measures to monitor the performance of the project.

The Proponent shall implement the approved Noise Monitoring Program as approved from time to time by the [Secretary](#).

SUBSIDENCE

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

5. Deleted.

SOIL AND WATER

Discharge

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

Water Management Plan

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

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

Site Water Balance

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

Erosion and Sediment Control

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

Surface Water Monitoring Program

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

Groundwater Monitoring Program

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

REHABILITATION

13. The Proponent shall rehabilitate the site to the satisfaction of the Secretary and DRE. Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives in Table 2 below.

Table 2: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).
Rehabilitation materials	<ul style="list-style-type: none"> Materials (including topsoils, substrates and seeds of the disturbed area) are recovered, appropriately managed and used effectively as resources in the rehabilitation.
Surface Infrastructure	To be decommissioned and removed, unless the DRE agrees otherwise.
Portals and ventilation shafts	To be decommissioned and made safe and stable.
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> local native plant species (unless the DRE agrees otherwise); and a landform consistent with the surrounding environment.
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none"> the owner agrees otherwise; or the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.
Community	Ensure public safety.

- 13A. The Proponent shall carry out all surface disturbing activities in a manner that, as far as practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Secretary and DRE.

Land Management Plan

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

Prior to the end of April 2016, the Proponent shall revise the Land Management Plan to incorporate the measures required to implement its commitments described in new row 2 of the Terrestrial Ecology section of its Statement of Commitments, and submit it to the Secretary for approval.

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

- 14A. The Proponent shall implement its preferred option of the three options set out in new row 2 of the Terrestrial Ecology section of its Statement of Commitments by 1 December 2016, following consultation with OEH and to the satisfaction of the Secretary.

Rehabilitation Plan

15. The Proponent shall prepare a Rehabilitation Plan for the site to the satisfaction of the DRE. This plan must:
- be submitted within 3 months of approval of Mod 2 for approval by DRE prior to carrying out any disturbing activities of the development, unless otherwise agreed by the Secretary;
 - be prepared in accordance with DRE guidelines and in consultation with the Department, OEH, EPA, DPI Water, WSC and LMCC and the mine's CCC;
 - incorporate and be consistent with the rehabilitation objectives in the EA, Statement of Commitments and Table 2 above;
 - integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and
 - address all aspects of mine closure and rehabilitation, including post-mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

Note: The approved Mining Operations Plan (which will become the REMP once the Mining Act Amendments have commenced) required as a condition of the Mining Lease(s) issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.

AIR QUALITY

Impact Assessment Criteria

16. The Proponent shall 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: Long term impact assessment criteria for deposited dust

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

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

Monitoring

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

The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.

HERITAGE

Heritage Management Plan

18. The Proponent shall prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. This Plan must:
- be prepared in consultation with any relevant Aboriginal stakeholders;
 - be submitted, prior to 31 March 2013, for approval to the Secretary;
 - include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - detail the responsibilities of all stakeholders; and

- (e) include programs/procedures and management measures for:
- dealing with previously unidentified Aboriginal objects (excluding human remains), including any need to halt works in the vicinity, assessment of significance, determination of appropriate mitigation measures (by a qualified archaeologist in consultation with Aboriginal stakeholders), re-commencement of works, notifying OEH, and registering the new site(s) in the OEH AHIMS register;
 - dealing with any human remains which may be discovered, including halting of works in the vicinity; notifying NSW Police, OEH, the Department and Aboriginal stakeholders; and not re-commencing any works in the vicinity unless authorised;
 - heritage induction for construction personnel (including procedures for keeping records of inductions);
 - ongoing Aboriginal consultation and involvement (including procedures for keeping records of this);
 - appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and
 - dealing with previously unidentified non-Aboriginal heritage items which may be discovered during the project.

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

VISUAL

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

TRANSPORT

Monitoring of Coal Transport

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

Ruttleys Road Intersection

21. The Proponent shall:
- (a) complete a road safety audit of the intersection of Ruttleys Road and Mannering Colliery Access Road by the end of March 2009;
 - (b) provide copies of this audit to RMS, WSC and the Secretary within one month of its completion; and
 - (c) within 3 months of approval of Mod 2, install additional sections of guardrail (safety barrier) on the eastern side of Ruttleys Road between the Mannering Colliery access road and existing sections of guardrail further to the north;
 - (d) be responsible for the maintenance and upkeep of the pavement of the Ruttleys Road/Mannering Colliery access road intersection whilst the site is used for mining purposes or until the intersection is upgraded to a Type CHR intersection treatment; and
 - (e) prior to the number of workers (direct employees and contractors) at Mannering Colliery exceeding 70, the Proponent shall upgrade the Ruttleys Road/Mannering Colliery access road intersection to a Type CHR treatment in accordance with Construction Certificate SCC/69/2011 issued by WSC, or later updated versions of this Construction Certificate; to the satisfaction of the Secretary.

GREENHOUSE AND ENERGY EFFICIENCY

22. The Proponent shall prepare a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with EPA and generally in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS 2005, or its latest version);
 - (b) be submitted to the Secretary for approval by the end of September 2008;

- (c) include a program to monitor greenhouse gas emissions and energy use generated by the project;
- (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and
- (e) describe how the performance of these measures would be monitored over time.

The Proponent shall implement the approved management plan as approved from time to time by the Secretary.

WASTE

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

SCHEDULE 4 ADDITIONAL PROCEDURES

INDEPENDENT REVIEW

1. If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the [Secretary](#) in writing for an independent review of the impacts of the project on his/her land.

If the [Secretary](#) is satisfied that an independent review is warranted, the Proponent shall within 2 months of the [Secretary's](#) decision:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the [Secretary](#), to conduct monitoring on the land, to:
 - determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
 - identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - give the [Secretary](#) and landowner a copy of the independent review.
2. If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the [Secretary](#).
 3. If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
 - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance.

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

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

If the additional monitoring referred to above subsequently determines that the projects are complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the [Secretary](#).

5. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the [Secretary](#) for resolution.

If the matter cannot be resolved within 21 days, the [Secretary](#) shall refer the matter to an Independent Dispute Resolution Process.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent shall revise an Environmental Management Strategy for the project. This strategy must:
 - (a) be submitted for approval to the **Secretary** prior to 30 June 2013;
 - (b) provide the strategic framework for the environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this approval; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

The Proponent shall implement the approved management strategy as approved from time to time by the **Secretary**.

Management Plan Requirements

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project;
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (g) a protocol for periodic review of the plan.

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

Annual Review

3. By the end of February 2013, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the **Secretary**. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current financial year;

- (b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this approval;
 - the monitoring results of previous years; and
 - the relevant predictions in the documents listed in condition 2 of Schedule 2;
- (c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
- (d) identify any trends in the monitoring data over the life of the project;
- (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.

Revision of Strategies, Plans and Programs

- 4. Within 3 months of:
 - (a) the submission of an annual review under Condition 3 above;
 - (b) the submission of an incident report under Condition 6 below;
 - (c) the submission of an audit under Condition 8 below; or
 - (d) any modification to the conditions of this approval (unless the conditions require otherwise),
 the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.

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

Community Consultative Committee

- 5. The Proponent shall continue to operate a Community Consultative Committee (CCC) for the project in accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version), and to the satisfaction of the Secretary.

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and*
- *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Councils and the local community.*

REPORTING

Incident Reporting

- 6. The Proponent shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incidents associated with the project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

- 7. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

INDEPENDENT ENVIRONMENTAL AUDIT

- 8. By the end of March 2013 and every three years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;

- (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); and
- (d) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.

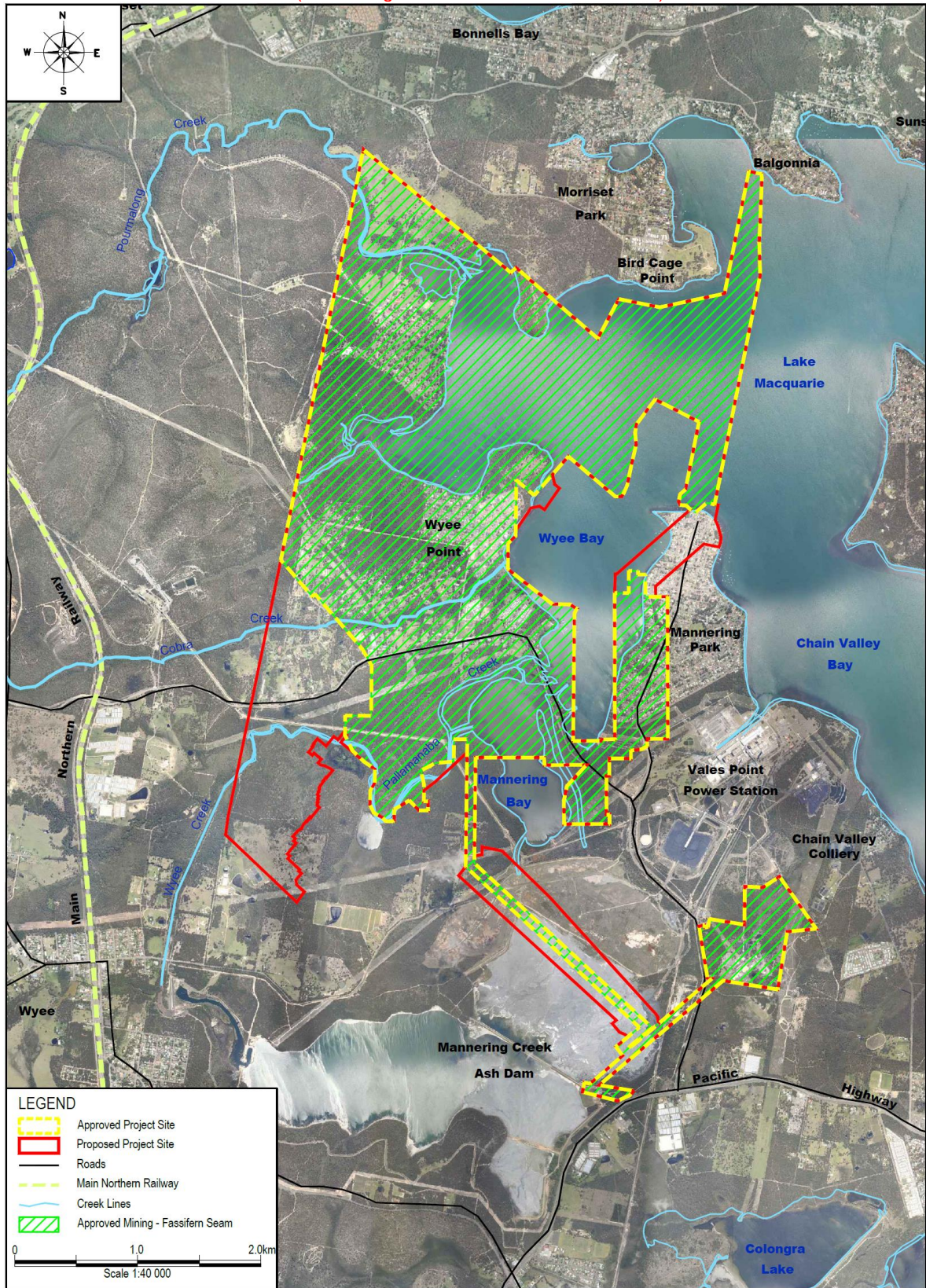
- 9. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

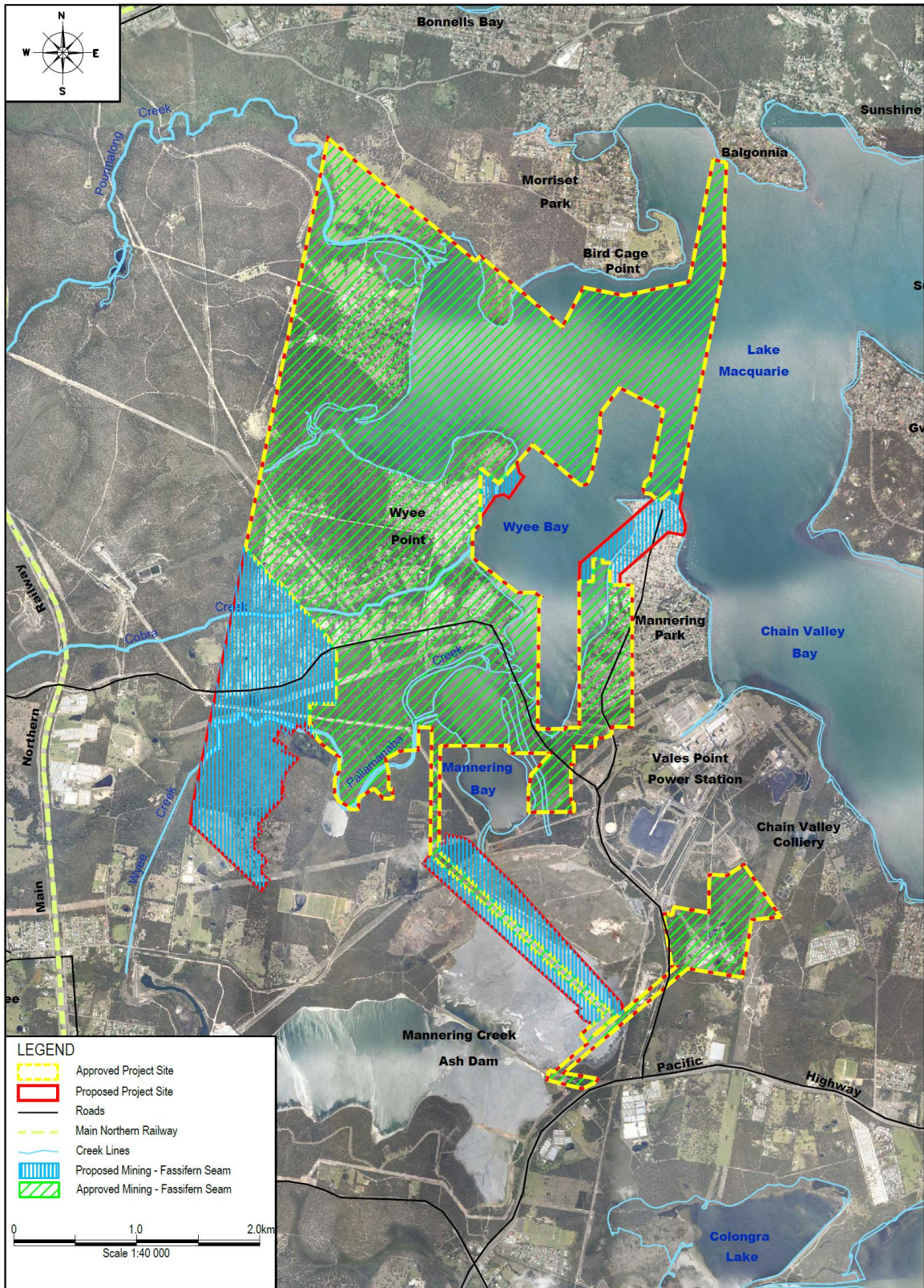
- 10. The Proponent shall:
 - (a) make copies of the following publicly available on its website:
 - the documents referred to in condition 2 of Schedule 2;
 - all relevant statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual reviews required under this approval;
 - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.

APPENDIX 1: PROJECT LAND

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



APPENDIX 2: PROJECT MAPS



To be printed A4



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

Figure 1: Revised Mine Plan for Fassifern Seam

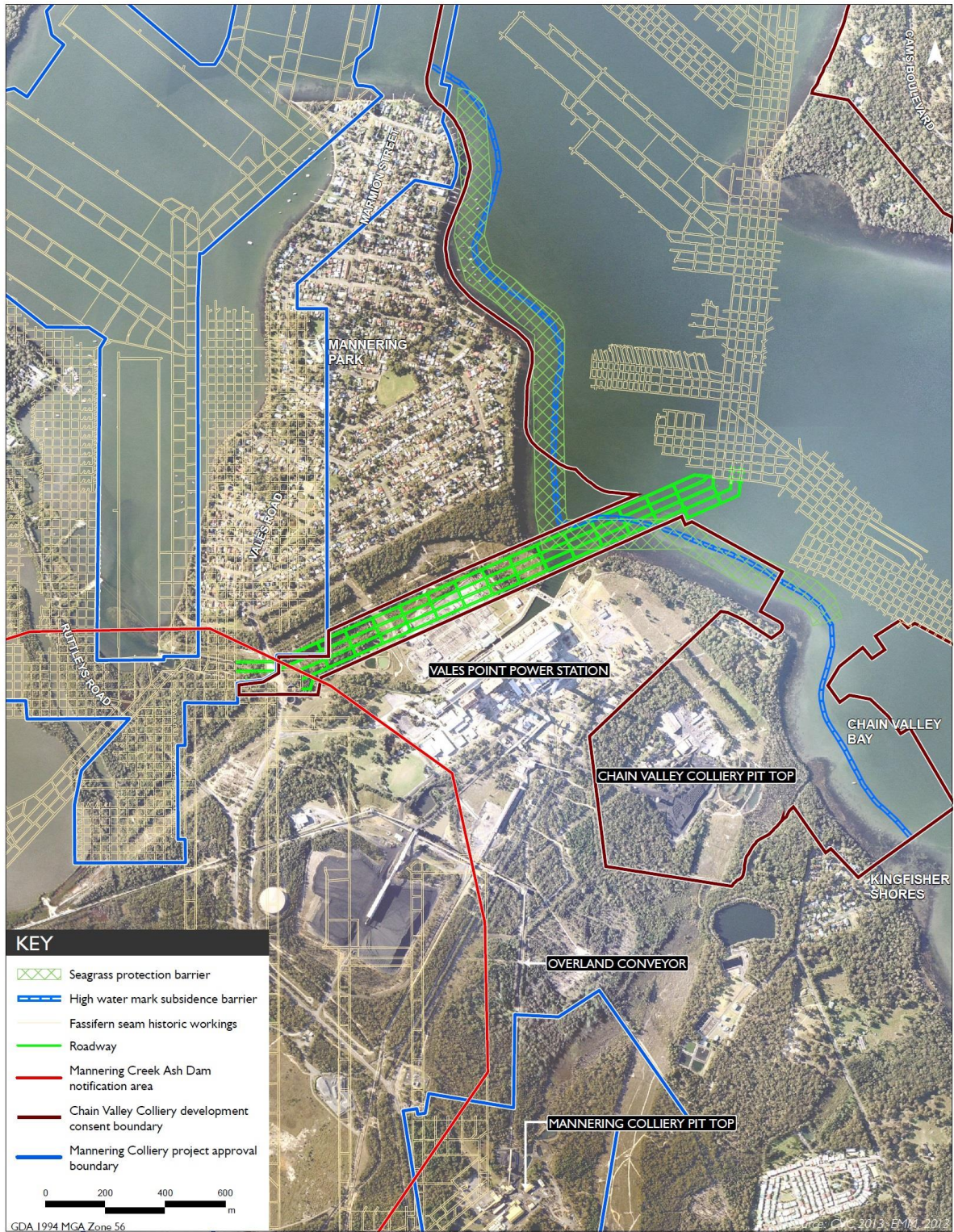


Figure 2: Location of the underground linkage to Chain Valley Colliery



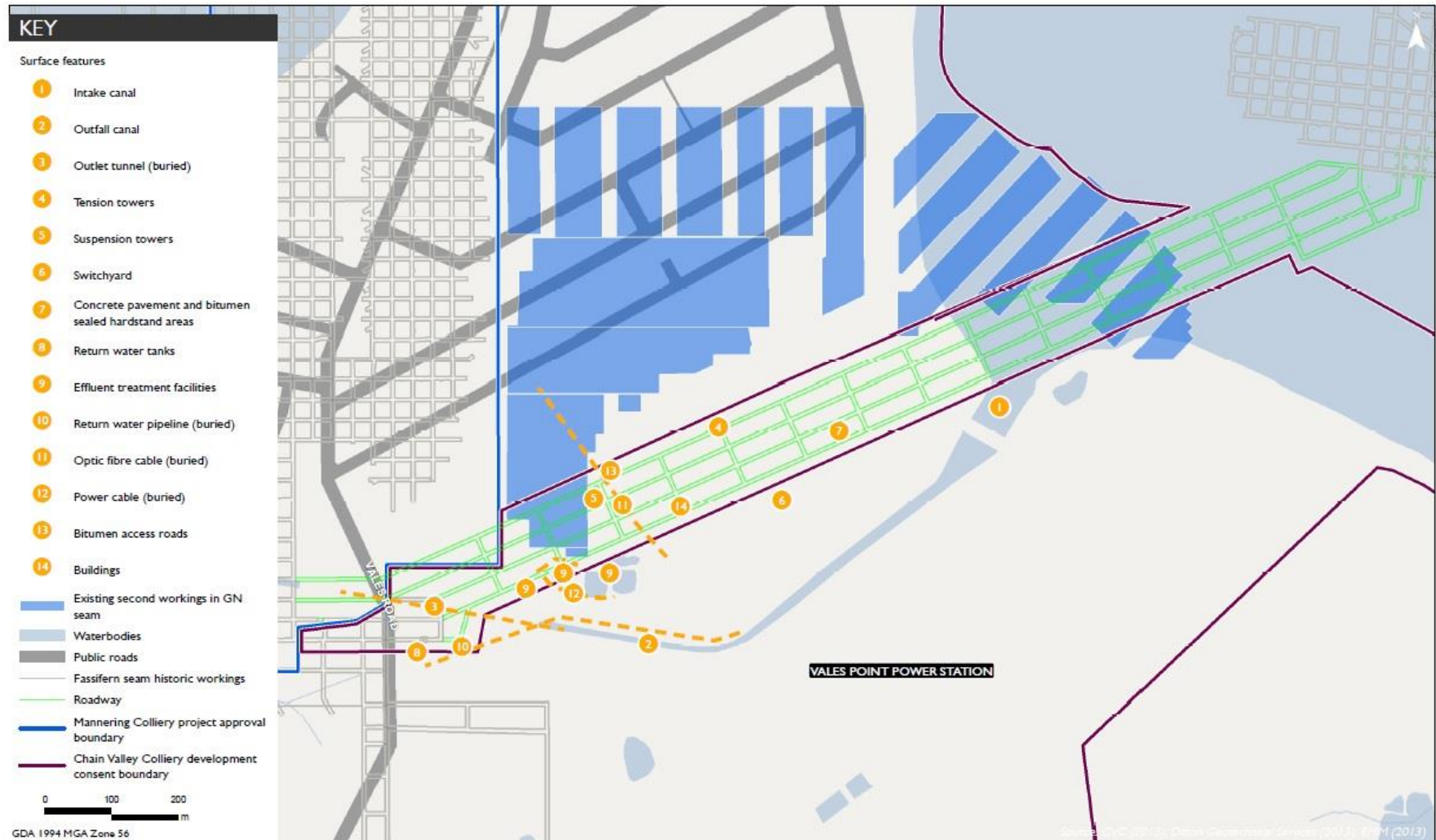


Figure 3: Location of the underground link and surface infrastructure



Figure 4. Location of asset protection zones

APPENDIX 3: STATEMENT OF COMMITMENTS

Revised Statement of Commitments (December 2015)

Revised Statement of Commitments

Subsidence
Mining to be limited to the approved bord-and-pillar method where coal recovery is limited to first workings only.
Monitoring of the existing subsidence monitoring marks will continue and additional subsidence monitoring marks will be installed above the proposed mining areas to measure the subsidence and verify that subsidence is within the predicted levels.
If it is identified that subsidence levels are greater than the predicted maximum of 20 millimetres, the DTIRIS Minerals Division will be consulted to determine appropriate management and mitigation actions.
Water Management
LakeCoal will undertake a review of the existing site water management system in consultation with the EPA.
The water level within the sediment pond system will be monitored and kept at a relatively low operating level, such that the ponds can provide a detention function in a significant rainfall event.
A visual assessment of the unnamed creek will be undertaken every 6 months to monitor stability and erosion.
Where practicable, underground water levels will be recorded to monitor changes in the level of water stored in underground depressions and to verify that the rate of extraction is sufficient.
The extraction of underground water from the mine workings will be undertaken in accordance with the Bore License (20BL172016) issued under the Water Act 1912.
To enable on-going assessment of the quality of water discharged, the existing monitoring program will be maintained for the life of the Project with the following enhancements: <ul style="list-style-type: none"> • An assessment of the surrounding catchments summarising land uses and other background information to characterise an appropriate water quality; and • Annual monitoring of heavy metals at the monitoring location identified as 'Downstream'.
Terrestrial Ecology
The following measures to manage the impacts of vegetation clearing/disturbance associated with the APZ requirements will be ongoing: <ul style="list-style-type: none"> • weed management; • large trees will be retained as a priority where possible; • felled trees will be relocated adjacent to the APZs to create additional fauna habitat; • any injured fauna will be taken to the nearest veterinary hospital for treatment before release; and • an ecologist will complete a pre-disturbance survey to determine important components of the Swamp Oak Floodplain Forest EEC for retention in the APZs.

<p>LakeCoal will investigate the following options for biodiversity offsets:</p> <ul style="list-style-type: none"> • provide \$10,000 of funding, which is equivalent to the biodiversity being lost (ie 5 credits x \$2,000 per credit) to existing environmental programs at the site which benefits the Swamp Oak Floodplain Forest EEC; or • consult with OEH to identify a suitable conservation program and provide \$10,000 of funding; or • purchase and retire 5 credits on the Biobanking register. <p>These options will be considered by the proponent in consultation with OEH and will reflect OEH's 'Approved BioBanking Assessment Methodology 2014'. The option that achieves the greatest benefit to the biodiversity impacted by the proposed modification will be selected.</p>
<p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to terrestrial ecology.</p>
<p style="text-align: center;">Aquatic Ecology</p>
<p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to aquatic ecology.</p>
<p style="text-align: center;">Aboriginal Heritage</p>
<p>Activities will continue to be managed in accordance with the Colliery's Aboriginal Cultural Heritage Management plan (ACHMP). Given the Colliery's current ACHMP is integrated with other Centennial sites, a separate ACHMP will be developed.</p>
<p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with OEH.</p>
<p>All relevant Centennial Mannerling staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under the NP&W Act as part of the existing mine induction process.</p>
<p>An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed and implemented for the identified Aboriginal heritage items within the Project Site in consultation with the relevant Aboriginal stakeholders. If additional sites are identified they will be assessed for cultural significance and be incorporated into the ACHMP.</p>
<p>In the unlikely event that skeletal remains are identified, the NSW Police Coroner will be contacted to determine if the material is of Aboriginal origin. If determined to be Aboriginal, contact will be made with the OEH, a suitably qualified archaeologist and representatives of the relevant Aboriginal stakeholder groups to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.</p>
<p style="text-align: center;">European Heritage</p>
<p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to non-indigenous heritage.</p>
<p>All relevant Centennial Mannerling staff and contractors will be made aware of their statutory obligations for European cultural heritage under the Heritage Act 1977 as part of the existing mine induction process.</p>
<p>If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Project Site, the Heritage Branch of OEH will be notified and any required monitoring or management strategies instigated.</p>

Air Quality
A review of dust management strategies and mitigation measures will be undertaken against the best practice dust mitigation measures identified in the NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining (Katestone Environmental Pty Ltd 2011), which was prepared for OEH. The review will identify any additional dust management practices that are reasonable and feasible for implementation at Mannering Colliery and will be undertaken generally in accordance with any requirements of a pollution reduction program that may be imposed by the OEH on the Mannering Colliery EPL in the future.
Traffic
Centennial Mannering will upgrade the Rutleys Road - Mannering Colliery Access Road intersection to improve safety and operational efficiency.
Socio-Economic
Centennial Mannering is committed to on-going community consultation and will continue to engage the community for the purposes of providing information relating to on-going operations and the Extension of Mine Project.
Rehabilitation
Rehabilitation will be undertaken in accordance with the Colliery's mining operations plan, which will be updated to include any changes as a result of the proposed modification.
The Mining Operations Plan will be amended to reflect the proposed modification and will include integrated rehabilitation and environmental management.
Monitoring
The Environmental Monitoring Program will be reviewed and updated, as required, to incorporate the commitments made in the Environmental Assessment and any additional consent conditions.

APPENDIX 4: NOISE ASSESSMENT LOCATIONS

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

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

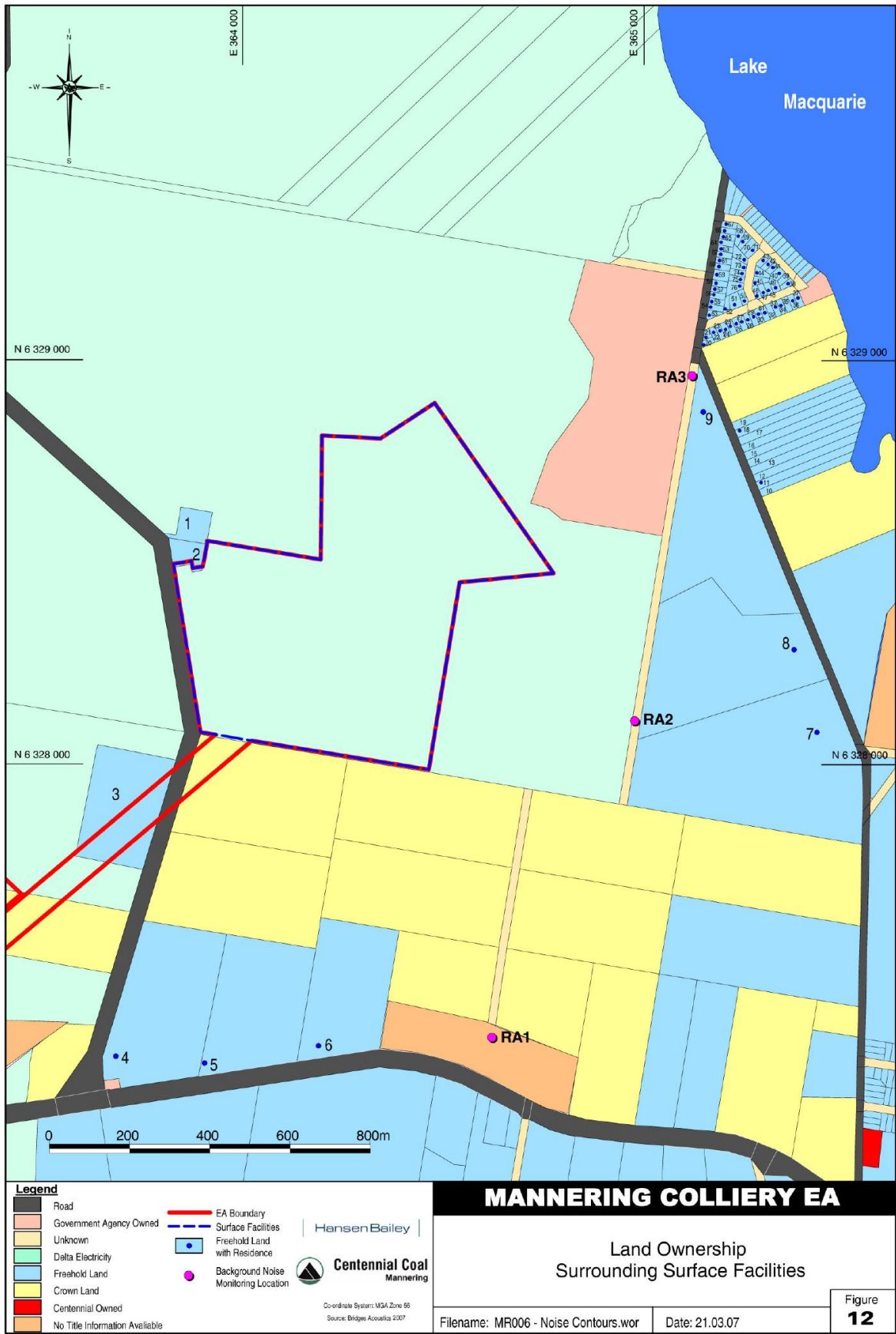


Figure 3: Land Ownership (noise assessment locations)

APPENDIX 4A: NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Tables 1 and 2 in Appendix 4B are to apply under all meteorological conditions except the following:
 - (a) wind speeds greater than 3m/s at 10 metres above ground level;
 - (b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
 - (c) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approval.
4. This monitoring must be carried out at least once a month (at least two weeks apart) for the first 12 months following recommencement of underground coal extraction, and then quarterly thereafter, unless the Secretary directs otherwise.

Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the project.

5. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

APPENDIX 4B: ALTERNATE NOISE CONDITIONS

- From the recommencement of underground coal extraction at Mannering Colliery until 18 months thereafter, the Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.

Table 1: Noise limits dB(A)

Day $L_{Aeq}(15\ min)$	Evening $L_{Aeq}(15\ min)$	Night		Location
		$L_{Aeq}(15\ min)$	$L_{A1}(1\ min)$	
40	40	40	49	4 – di Rocco
43	43	41	49	5 – Keighran
42	42	41	49	6 – Swan
39	39	39	47	7 – Druitt
46	46	46	47	8 – May
41	41	41	51	9 – Jeans
39	39	39	49	11 – Jeans
39	39	39	51	18 – Jeans
40	40	40	51	20 – Knight and all other Chain Valley Bay residences

Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

- Following the expiry of the 18 month period referred to in condition 1 above, the Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise limits dB(A)

Day $L_{Aeq}(15\ min)$	Evening $L_{Aeq}(15\ min)$	Night		Location
		$L_{Aeq}(15\ min)$	$L_{A1}(1\ min)$	
40	40	40	49	4 – di Rocco
41	41	41	49	5 – Keighran
41	41	41	49	6 – Swan
39	39	39	47	7 – Druitt
45	45	43	47	8 – May
41	41	41	51	9 – Jeans
39	39	39	49	11 – Jeans
39	39	39	51	18 – Jeans
40	40	40	51	20 – Knight and all other Chain Valley Bay residences

Note: The location of the land referred to in Table 2 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out

the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

3. The Proponent shall prepare a report on all noise mitigation measures required to achieve the noise limits in Table 2 to the satisfaction of the Secretary. This report must:
 - (a) be prepared by a suitably qualified and experienced acoustic consultant whose appointment has been approved by the Secretary;
 - (b) be prepared in consultation with EPA, and submitted to the Department for approval within 6 months after recommencement of underground coal extraction; and
 - (c) include an action plan for the implementation of any reasonable and feasible recommendations of the report.

The Proponent shall implement the noise mitigation measures prior to the expiry of the 18 month period referred to in condition 1 above.

4. The Proponent shall prepare a Noise Compliance Report for the project to the satisfaction of the Secretary. The report must:
 - (a) be prepared by a suitably qualified acoustic consultant, whose appointment has been approved by the Secretary;
 - (b) be prepared in consultation with EPA, and be submitted for approval within 6 months of the expiry of the 18 month period referred to in condition 1 above; and
 - (c) investigate and evaluate the effectiveness of the noise mitigation measures required under condition 3 and compliance with the noise limits in Table 2.

APPENDIX 5:

INDEPENDENT DISPUTE RESOLUTION

