Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Mining of Longwalls 910 and 900 W at Angus Place Colliery, NSW (EPBC 2011/5952)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Centennial Angus Place Pty Ltd
proponent's ACN (if applicable)	101508945
proposed action	Coal extraction using longwall mining techniques of longwall panels 910 and 900 W at the existing Angus Place Colliery [See EPBC Act referral 2011/5952].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

Conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 19/03/2032

Decision-maker

name and position	Adrienne Lea Assistant Secretary Environmental Assessment Branch
signature	Adrienne Lea
date of decision	17th April 2012

Conditions attached to the approval

1. The person taking the action must monitor **subsidence** resulting from the proposed longwall mining in accordance with the *Angus Place Colliery Subsidence Management Plan: Proposed Subsidence Monitoring and Reporting Program LW900W, 910* to monitor **subsidence** effects on the endangered temperate highland peat swamps on sandstone ecological community.
2. If **anomalous subsidence** is detected within 200 metres of an area of temperate highland peat swamps on sandstone ecological community using the method defined in condition 1, the person taking the action must submit to the **department** a report detailing:
    a) the extent and level of **subsidence** recorded
    b) likely reasons for the **anomalous subsidence**
    c) potential **impacts** on the temperate highland peat swamps on sandstone ecological community resulting from the **anomalous subsidence**.
3. The report in condition 2 must be submitted to the **department** within 10 business days of detecting the **anomalous subsidence**.
4. Within six months of the date of this approval, the person taking the action must submit a Temperate Highland Peat Swamps on Sandstone Monitoring and Management Plan ('Monitoring and Management Plan') for the minister's approval, to define clear, quantifiable and measurable criteria for monitoring the **impact** of longwall mining on temperate highland peat swamps on sandstone.
5. The Monitoring and Management Plan must include prevention, monitoring, mitigation and management actions for all **impacts** on the temperate highland peat swamps on sandstone ecological community arising from the action. The Monitoring and Management Plan must be a stand-alone document and include but not be limited to:
    a) monitoring must take into account the geological and hydrological context in which the swamps sit, i.e. monitoring must include methods to detect potential geological and hydrological impacts upstream of temperate highland peat swamps on sandstone
    b) monitoring must focus on surface and groundwater hydrology (including at least one piezometer per swamp), surface and groundwater quality, vegetation community structure and diversity, and biological indicator species
    c) monitoring must include at least one sample per season (four samples per year) at each sampling location for each parameter measured, though more frequent sampling may be required for some parameters
    d) monitoring post-mining must continue for a period of at least 10 years. Monitoring frequency may be reduced once three years of post-mining swamp monitoring has been undertaken if swamp condition has not degraded as a result of mining activity
    e) monitoring must include all temperate highland peat swamps on sandstone (including but not limited to both Newnes Plateau Shrub Swamps and Newnes Plateau Hanging Swamps) potentially affected by the proposed action (**impact sites**) as well as **reference sites**. **Reference sites** must include temperate highland peat swamps on sandstone that have never been subjected to, or are not predicted to be impacted by, **subsidence** impacts
    f) details of the parameters monitored, methods, timing, frequency and location of baseline monitoring within the temperate highland peat swamps on sandstone ecological community
    g) definition and description of baseline conditions of individual temperate highland peat swamps on sandstone (including both **impact** and **reference sites**), including biological processes, biological assemblages, condition, threats and the range of natural variability observed in parameters monitored

h) trigger levels sufficient to detect unexpected **impacts** of **subsidence** on the temperate highland peat swamps on sandstone ecological community, including information on how the triggers were derived using baseline monitoring and desktop study data. Triggers should be specific and measureable

i) details of the parameters monitored, methods, timing, frequency and location of **reference site** monitoring within the temperate highland peat swamps on sandstone ecological community

j) allowance and methods for trigger levels to be refined as more monitoring data is collected

k) details of the parameters monitored, methods, timing, frequency and location of **impact** monitoring within the temperate highland peat swamps on sandstone ecological community, sufficient to detect changes in the defined trigger levels

l) corrective actions to be taken should the defined trigger levels (as at condition 5h) be exceeded. These should be clear, measurable, auditable and include specific timing (e.g. within 6 months of **impact** detection). Implementation of a Response Strategy (as required at condition 11) should be included as a corrective action should **severe impacts** be detected.

m) details of how data collected by the proposed monitoring methods will be analysed. This must include a method to analyse data sets in an holistic manner to produce an overall indication of swamp health

n) description of how potential **impacts** arising from the monitoring and mitigation measures themselves will be minimised or avoided

o) maps illustrating the location of the longwall mining activity, past mining activities, expected **subsidence** limits, location of temperate highland peat swamps on sandstone in the vicinity of the longwall mining activity, and past and proposed monitoring locations for all parameters

p) description of record keeping and reporting procedures

q) the plan must clearly state the person responsible, including their position or status

r) the plan must include a timeline for review, and provision for revisions to be approved by the **department** prior to their implementation

6. The Monitoring and Management Plan must be reviewed by two **independent reviewers** approved by the **department** prior to the submission to the department for approval.

7. If the **minister** approves the Monitoring and Management Plan then the approved Monitoring and Management Plan must be implemented.

8. A report detailing the results of actions carried out under the Monitoring and Management Plan must be prepared and provided to the **department** annually on the anniversary of the date of this approval. The **minister** may request that the report be reviewed by an **independent reviewer** approved by the **department**.

9. The person taking the action must, when first becoming aware of an **impact** to temperate highland peat swamps on sandstone:

   a) when the **impact** is a defined trigger level (as defined in condition 5h) being exceeded, report the **impact** to the department within five business days

   b) when the **impact** is a defined trigger level (as defined in condition 5h) being exceeded, report the implementation of the corrective action (as defined at condition 5l) to the department within such time as is reasonable in the circumstances, unless required report outcomes within a time frame specified in writing by the department

c) when exceedence of a trigger level is not detected, but an **impact** is apparent, report the **impact** to the department within 20 business days with details of proposed corrective actions

d) in all of the above cases (conditions 9a to 9c inclusive), include the results of monitoring data relating to the **impact** and an explanation of the expected cause of the impact in the report to the department.

10. If at any time the **minister** determines that data provided in the report at condition 8 or 9 indicates that the action has had a **severe impact** on the temperate highland peat swamps on sandstone ecological community and/or any associated threatened species, the **minister** will inform the person taking the action in writing ('the **severe impact** notification letter'), particularising all **severe impacts**. Once the person taking the action receives the **severe impact** notification letter, conditions 11 to 16 (inclusive) will apply.

11. When the person taking the action receives an **severe impact** notification letter, the person taking the action must prepare and submit a Temperate Highland Peat Swamps on Sandstone Response Strategy (the 'Response Strategy') for the **minister**'s approval within three months of the date of the letter.

12. The Response Strategy must include measures for remediating or offsetting all **severe impacts** particularised by the **minister** on the temperate highland peat swamps on sandstone ecological community arising from the action. The Response Strategy must be a stand-alone document and include but not be limited to:

    a) a description of the **severe impact** including extent, duration, and expected cause. This should include a description of how the **impact** may affect temperate highland peat swamps on sandstone

    b) the objectives of the Response Strategy

    c) the proposed response actions to be taken and how the proposed actions will be implemented

    d) a description of how the strategy will deliver an overall conservation outcome that improves or maintains the viability of temperate highland peat swamps on sandstone and associated threatened species

    e) the estimated cost of all proposed response actions

    f) the strategy must clearly state the person responsible for implementing remediation actions, including their position or status and contact details

    g) description of record keeping and reporting procedures

13. The Response Strategy must be reviewed by two **independent reviewers** approved by the **department** prior to the submission to the department.

14. If the **minister** approves the Response Strategy then the approved Response Strategy must be implemented.

15. A report detailing the results of actions carried out under the Response Strategy must be prepared and provided to the **department** at a time agreed to in writing by the **department** upon receiving the Response Strategy. The report must be reviewed by an **independent reviewer** within a timeframe determined in agreement with the department prior to being provided to the department.

16. The person taking the action must, if required in writing by the **minister**, stop all work associated with the proposed action within sixty days of the date of the letter referred to in condition 10. Work may be resumed if indicated in writing by the **minister**.

17. The person taking the action must meet all the charges and costs associated with independent review of documents required under these conditions.

18. The person taking the action must publish all documents required under these conditions on their website, except where agreed in writing with the **department** on grounds of potentially sensitive commercial information.

19. Within 30 days after the **commencement** of the action, the person taking the action must advise the **department** in writing of the actual date of **commencement**.

20. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, report, strategy, etc. required by this approval, and make them available upon request to the **department**. Such records may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **department**'s website. The results of audits may also be publicised through the general media.

21. Within three months of every 12 month anniversary of the **commencement** the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans, report, strategy etc. as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **department** at the same time as the compliance report is published. The person taking the action must also notify any non-compliance with this approval to the department in writing within two business days of becoming aware of the non-compliance.

22. Upon the direction of the **minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **minister**. The independent auditor must be approved by the **minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **minister** and the audit report must address the criteria to the satisfaction of the **minister**.

23. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans, report, strategy etc. as specified in the conditions, the person taking the action must submit to the **department** for the **minister**'s written approval a revised version of that management plan, report, strategy etc. The varied activity shall not commence until the **minister** has approved the varied management plan, report, strategy etc. in writing. The **minister** will not approve a varied management plan, report, strategy etc. unless the revised management plan, report, strategy etc. would result in an equivalent or improved environmental outcome over time. If the **minister** approves the revised management plan, report, strategy etc. that management plan, report, strategy etc. must be implemented in place of the management plan, report, strategy etc. originally approved.

24. If the **minister** believes that it is necessary or convenient for the better protection of threatened species and communities to do so, the **minister** may request that the person taking the action make specified revisions to the management plan, report, strategy etc. specified in the conditions and submit the revised management plan, report, strategy etc. for the **minister**'s written approval. The person taking the action must comply with any such request. The revised approved management plan, report, strategy etc. must be implemented. Unless the **minister** has approved the revised management plan, report, strategy etc. then the person taking the action must continue to implement the management plan, report, strategy etc. originally approved, as specified in the conditions.

25. If, at any time after two years from the date of this approval, the person taking the action has not substantially **commenced** the action, then the person taking the action must not substantially commence the action without the written agreement of the **minister**.

26. Unless otherwise agreed to in writing by the **minister**, the person taking the action must publish all management plans, report, strategy etc. referred to in these conditions of approval on their website. Each management plan, report, strategy etc. must be published on the website within one month of being approved.

Definitions

Anomalous subsidence: any and all ground movements that result from mining in excess of that predicted to impact the Temperate Highland Peat Swamps on Sandstone ecological community as detailed in the preliminary documentation for longwalls 900 W and 910 (less than 30 centimetres of subsidence, 4–7 millimetres per metre of maximum panel tilt, 3–6 millimetres per metre maximum compressive strain [with a maximum of 14 millimetres per metre maximum compressive strain in alluvium-filled valleys] and 2–5 millimetres per metre of maximum tensile strain).

Commencement: The extraction of coal associated with the proposed longwalls.

Department: The Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Impact/s: as defined in section 527E of the EPBC Act.

Impact sites: sites potentially subject to impacts of the action.

Independent Reviewer/s: a third party/parties with relevant experience and background who is/are not associated with any party involved in the action.

Minister: The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Reference site/s: site/s not likely to be subject to impacts of the action

Severe Impacts: Impacts to temperate highland peat swamps on sandstone that indicate a long-term change in swamp hydrology, water quality or flora composition. This includes fracturing of the rock strata beneath the swamp, evident through an extended (longer than that recorded in reference sites during the same time period) reduction in groundwater levels.

Subsidence: any and all ground movements that result from mining.