ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

INTEGRATED DESIGNATED STATE SIGNIFICANT DEVELOPMENT

DETERMINATION OF DEVELOPMENT APPLICATION PURSUANT TO SECTIONS 76(A)9 & 80

I, the Minister for Urban Affairs and Planning, pursuant to Sections 76(A)9 & 80 of the Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are to:

(i) minimise the adverse impact the development may cause through subsidence, water and air pollution, and noise disturbance; and

(ii) provide for environmental monitoring and reporting.

Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney, 2001 File No. N98/00076

Schedule 1

Application made by:	Bulga Coal Management Pty Ltd ("the Applicant") A.C.N. 000 416 760.
To:	Minister for Urban Affairs and Planning (DA 33-10-00)
In respect of:	Land described in Schedule "A"
For the following:	Southeast Extension of South Bulga Colliery underground operations in EL5461 ("the Development") to extract up to 2.8 million tonnes of coal from the Lower Whybrow Seam.
BCA Classification:	Not applicable
NOTE:	1) To ascertain the date upon which the consent becomes effective, refer to section 83 of the Act.

2) To ascertain the date upon which the consent is liable to lapse, refer to section 95 of the Act.

3) Section 97 of the Act confers on an Applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of notice

SCHEDULE 2

INDEX

DEFINITIONS:

AEMR - *Annual Environmental Management Report*
CCC - *Community Consultative Committee*
Commencement of mining – *southeast extension of underground mining into EL5461 at South Bulga Colliery as described in the EIS*
Construction – *borehole installation and dewatering*
DA - *Development Application*
DA area - *Development Application area that includes all works described in the DA.*
Director-General - *Director-General of the Department of Urban Affairs and Planning or delegate.*
EIS - *Environmental Impact Statement – South Bulga Colliery Southeast Extension September 2000*
First Workings – *workings which establish access to the coal resource area and which does not result in surface subsidence. First workings do not include longwall extraction of coal*
MOP – *Mining Operations Plan*
ROM - *Run-of-Mine coal production*
Mining operations - *southeast extension of underground mining at South Bulga Colliery as described in the EIS*
Safe, serviceable and repairable criteria – *Category 3 to 5 for strain and/or category C or D for tilt, in accordance with Australian Standard AS2870-1996*
Section 138 – *section 138 of the Coal Mine Regulation Act, 1982*
Secondary workings – *extraction of coal from longwall mining that may result in surface subsidence*

Government Authorities

DLWC - *Department of Land and Water Conservation*
NPWS - *National Parks and Wildlife Service*
DMR - *Department of Mineral Resources*
EPA - *Environment Protection Authority*
SSC – *Singleton Shire Council*
MSB - *Mine Subsidence Board*

SCHEDULE "A"

Land Title Details for Properties in the South-East Extension Development Area[1]

Land Owner	Land Description	Parish	Relationship to the South-east Extension
Bulga Coal Management	Lot 8 DP 248448	Wollombi	Portion of property within the development area
Stevns, A	Lot 3 DP 1007798	Wollombi	Portion of property within the development area
Gillies RJ & ECM	Lot 4,5 and 6 DP 1007798	Wollombi	Portion of property within the development area
Samuel, C	Lot 1,2 and 3, S50 and S51, DP 758164	Broke	Portion of property within the development area
Samuel, C	Lots 6,7 and 8, S21 DP 758164	Broke	Portion of property within the development area
Commonwealth	Lot 1 DP 812640	Vere	Portion of property within the development area
Crown Public Land	RP 1927/14	Broke	Portion of property within the development area

[1] Source: Bulga Coal Management Pty Limited, EIS *"South Bulga Colliery – South-east Extension"* September 2000

1. General

1.1 There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures be taken to prevent and minimise harm that may result from construction, operation and, where relevant, decommissioning activities related to the development.

1.2 Adherence to Terms of DA, EIS, etc.

(a) The development is to be carried out generally in accordance with DA33-10-00 and the EIS entitled *"South Bulga Colliery Southeast Extension"* dated September 2000 (two volumes), prepared by ERM Australia Pty Limited in accordance with clause 54A and 55 of the Environmental Planning and Assessment Regulations 1998, and certified in accordance with Section 78(A)8 of the Environmental Planning and Assessment Act 1979, as may be modified by the conditions set out herein.

(b) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of existing environmental management measures to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.

(c) If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

1.3 Period of Approval/Project Commencement

(a) The approval for mining of the south-east extension of the South Bulga underground mine is for the period of up to 5 years from the date of this consent.

(b) At least one month prior to the commencement of mining, or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to the commencement of construction and mining operations. Mining operations shall not commence until the report is approved by the Director-General.

(c) Date of commencement of mining is to be notified in writing to the Director-General and SSC, at least two weeks prior to commencement of mining.

1.4 Dispute Resolution

In the event that the Applicant and the SSC or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister for Urban Affairs and Planning, whose determination of the disagreement shall be final and binding on the parties.

1.5 Security Deposits

Security deposits and bonds will be paid as required by DMR under mining lease approval conditions.

2. Mine Management

2.1 Mine Management Plan, Operations and Methods

(a) The Applicant shall submit and have accepted by the Director-General of DMR, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DMR, as an extension of the MOP prepared for South Bulga Colliery underground operations.

(b) The MOP shall:

- (i) be prepared in accordance with DMR Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent version);
- (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
- (iii) demonstrate consistency with the Environmental Management Plans for the project site;
- (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring; and
- (v) identify a schedule of proposed mine development for the period covered by the plan and include:
  - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures,
  - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact,
  - water management, and
  - proposals to appropriately minimise surface impacts.

(c) In preparing the MOP, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.

(d) A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and Director-General within 14 days of acceptance by DMR.

2.2 Limits on Production

The production levels of coal for the South Bulga Colliery southeast extension shall not exceed a maximum of 2.8 million tonnes of Run-of-Mine (ROM) coal from the southeast extension of the underground operations.

Note: This consent does not permit an increase in annual production beyond the current approval of 6 million tonnes per annum for the existing Bulga underground workings.

3. Land and Site Environmental Management

3.1 Appointment of Environmental Officer(s)

(a) The Environmental Officer employed by the South Bulga mine shall:

(i) be responsible for the preparation of the Environmental Management Plans (refer condition 3.2);

(ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;

(iii) be responsible for receiving and responding to complaints in accordance with condition 9.1;

(iv) facilitate an induction and training program for all persons involved with the underground mining; and

(v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.

(b) The Applicant shall notify the Director-General, DMR, EPA, NPWS, DLWC, SSC and the CCC of any changes to the name and/or contact details of the Environmental Officer(s) upon appointment and any changes to the appointment(s). Any new appointment of an Environmental Officer is to receive prior approval of the Director-General.

3.2 Environmental Management Plans

(a) The Applicant shall update the existing Site Water Management Plan (refer condition 4.1(a)) for the South Bulga Colliery operations.
(b) The Applicant shall prepare Property Subsidence Management Plans [refer condition 3.3(c)] for properties likely to be affected by subsidence from the project.
(c) The management plan is to be revised/updated as directed by the Director-General in consultation with the relevant government agencies. Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

3.3 Property Subsidence Management Plans

(a) The Applicant shall prepare a Property Subsidence Management Plan to the satisfaction of the Director-General of DMR (or delegate) for each property title likely to be impacted by the effects of subsidence from the project. Each Property Subsidence Management Plan shall be substantially prepared as far as practicable and consultation undertaken prior to commencement of first workings in the property area. Any subsequent adjustments to the plans shall be undertaken as necessary and the plan fully completed and approved prior to seeking an approval under s138 of the Coal Mine Regulation Act, 1982 for secondary workings. Each Property Subsidence Management Plan shall demonstrate consistency with the MOP and relevant EMP's.

(b) In preparing Property Subsidence Management Plans the Applicant shall:

- (i) consult with each affected landowner throughout the preparation process and take their views into account. This consultation shall include discussions on integrating any proposed mitigation works with the management of the property as a whole;
- (ii) update geological data (i.e. geological structures, seam thickness, coal quality) based on current knowledge;
- (iii) review, and if necessary update, the mine plan based on current geological knowledge;
- (iv) ensure that, with the consent of the owner and in consultation with MSB, a structural inspection is conducted of each structure and a report prepared on the structural integrity of all buildings in their entirety (including roofs, ceilings, openings, foundations and household sewage treatment and disposal systems);
- (v) assess current agricultural utilisation, agricultural improvements and the underlying agricultural suitability of the relevant property;
- (vi) review current utilisation of the land for business purposes (other than agriculture), including the value of improvements and the business;
- (vii) ensure that inspections, surveys and assessments referred to in subclauses (iv), (v) and (vi) are carried out, at the expense of the Applicant, by an independent and technically qualified person agreed to by the relevant property owner, and a copy of any report, certified by the person who undertook the work, supplied to the relevant property owner within fourteen days of receipt of same;
- (viii) ensure the continuation of agricultural activities and where practicable, improve the opportunity for sustained agriculture where any surface remedial works can be used to improve such productivity.

(c) In preparing the individual Property Subsidence Management Plans the Applicant shall also:

- (i) advise affected landowners of any potential impacts of the proposed mining, including potential subsidence impacts on the Vere, and review and discuss implementation procedures;
- (ii) provide a copy of the draft Property Subsidence Management Plan to the relevant land owner;
- (iii) identify dwellings that are likely to be subject to damage beyond safe, serviceable and repairable criteria as a result of the development;

(iv) identify structures and surface improvements that are likely to be subject to significant damage as a result of the development;

(v) identify agricultural or other business values that are likely to be affected by the development;

(vi) convene an on-site meeting with the landowner to review the draft Property Subsidence Management Plan including, where applicable, MSB technical officers with respect to dwellings that are predicted to be damaged beyond safe, serviceable and repairable criteria;

(vii) investigate feasible mitigation measures that can be implemented to reduce subsidence impacts to the satisfaction of the landowner and in consultation with MSB;

(viii) investigate other options if subsidence impacts cannot be reduced satisfactorily, such as compensation, acquisition, temporary relocation, or any other form of agreement with the landowner;

(ix) identify areas of likely compensable loss and either reach agreement with the landowner in regard to likely compensable loss, or determine suitable mitigation measures to minimise compensable loss; and

(x) provide a copy of each Property Subsidence Management Plan to the relevant landowner.

(d) In implementing the terms of any Property Subsidence Management Plan the Applicant shall:

(i) review, based on information available at the time, the potential impacts of the proposed mining on ecologically sensitive areas, archaeological resources and heritage resources and take these into consideration in refining the mine plan and designing appropriate mitigation measures. Works should be designed where possible to avoid areas of ecological and archaeological sensitivity unless works are being specifically undertaken to conserve these areas; and

(ii) determine in consultation with the landowner, DLWC and Singleton Shire Council, appropriate drainage mitigation measures and earthworks, consistent with the relevant environmental management plans. Where it is indicated that drainage works are required to be undertaken on other land to mitigate remnant ponding on the property which is the subject of the Property Subsidence Management Plan, the Applicant shall reach an agreement with the owner(s) of that land prior to carrying out such works. In determining appropriate drainage mitigation works, the Applicant shall take into consideration environmental, archaeological and heritage aspects of areas where mitigation works are proposed. The Applicant shall pay any reasonable costs for landowners to obtain legal and other advice on Property Subsidence Management Plans.

4. Water Management

4.1 Surface & Ground Water Management

(a) The Applicant shall prior to the commencement of mining operations, update the Site Water Management Plan for the South Bulga Colliery underground mine operations to include the operations proposed in the EIS, in consultation with DLWC and to the satisfaction of DLWC and the Director-General. The upgraded Site Water Management Plan shall include, but not be limited to, the following matters:

(i) management of the quality and quantity of ground water within the areas covered by the Site Water Management Plan, which shall include preparation of monitoring programs;

(ii) investigation into opportunities to reduce the mine water discharge from the operations and include the results of such investigations in the Annual Environmental Management Report;

(iii) identification of dewatering borehole sites and routing of any pipelines/ drainage channels to the existing water management system;

(iv) identification of any possible adverse effects on water supply sources of surrounding land holders, as a result of the mining operations as outlined in the EIS, and implementation of mitigation measures as necessary;

(v) contingency plans for managing adverse impacts of the development on surface or ground water quality and quantity below its current beneficial use;

(vi) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the effect of changes to groundwater quality and mobilisation of salts;

(vii) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved Site Water Management Plan.

(viii) except as may be expressly provided in the Environment Protection Licence issued by the EPA, the applicant must comply with Section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.

(b) [2]Any release of excess mine water from the South Bulga Colliery underground operations must:

(i) be released from the approved common discharge points for the Bulga Complex;

[2] General Terms of Approval from EPA

(ii) must comply with the requirements of the Hunter River Salinity Trading Scheme (HRSTS) unless otherwise directed by the EPA. The HRSTS embodies the conditions of the Environment Protection Licence, the HRSTS rulebook (dated 1 December 1998), and monitoring of the Hunter River by the DLWC on behalf of the participating industries.

(c) [3]The Applicant shall obtain a licence for any works as required under Part 5 of the Water Act 1912 and including for any:

(i) bores, excavations or any other structures that intercept the groundwater table, where used or intended to be used for extraction of groundwater;
(ii) all bores/wells/excavations that intersect the groundwater table, including monitoring bores;
(iii) any extraction of groundwater from abandoned or disused mine areas or other structures.

(d) In the event that the development adversely affects groundwater users in the area of the mine the Applicant shall, to the satisfaction of the DLWC, liaise with the users to provide a replacement water supply of similar quality and quantity to that affected, until such time as the development ceases to impact on the users' water supply.

4.2 Surface and Ground Water Monitoring

(a) The Applicant shall construct and locate surface and ground water monitoring locations, as identified in the Site Water Management Plan (condition 4.1 (a)), in consultation with DLWC, and to the satisfaction of the DLWC and the Director-General, prior to the commencement of mining operations;

(b) The Applicant shall prepare a detailed monitoring program for surface water quality and quantity, including water in and around the DA area during mining works and post mine operations, in consultation with DLWC, and to the satisfaction of the Director-General. The monitoring program shall be prepared at the same time as the Site Water Management Plan.

(c) The Applicant shall consider the requirements of the DLWC in the design of an appropriate groundwater monitoring program which shall be established to the satisfaction of the DLWC and the Director-General.

(d) The results of surface and ground water monitoring and their interpretation against EIS predictions are to be reported in the Annual Environmental Management Report (Condition 8.1(a)).

(e) [4]Monitoring for the concentration of a pollutant discharged to waters or applied to the development area must be done in accordance with:

- the EPA's Approved Methods Publication; or

[3] General Terms of Approval from DLWC
[4] General Terms of Approval from EPA

- if there is no methodology specified by the Approved Methods Publication or by the general terms of approval or in the licence under the *Protection of the Environment Operations Act 1997* in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

(f) Monitoring shall be undertaken in accordance with the current EPA licence for the Bulga mine complex.

5. Hazardous Materials and Tailings Management

5.1 Waste

(a) [6]Except as expressly permitted in an Environment Protection Licence, waste must not be:

- received at the premises for storage, treatment, processing, reprocessing or disposal; or
- disposed of at the premises.

(b) [7]Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.

6. Air Quality and Noise Management

6.1 Air Quality Management

[9]Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

6.2 Noise

6.2.1 Noise Levels

[11]Noise from the premises must not exceed an L_{Aeq} noise emission criteria of 35 dB(A) under adverse weather conditions at the residential boundary of the closest residential receiver except as expressly provided by the Environment Protection Licence.

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[6] General Terms of Approval from the EPA
[7] General Terms of Approval from the EPA

[9] General Terms of Approval from the EPA
[11] General Terms of Approval from the EPA

Note1: L_{Aeq} is the equivalent continuous noise level – the level equivalent to the energy average of noise levels emitted by the premises over the stated measurement period.
Note 2: Adverse weather conditions means the presence of winds up to 3 metres per second and/or temperature inversions up to 4 degrees per 100 metres.

6.2.2 [12]Hours of Operation (Construction Work)

(a) All construction work at the premises must only be conducted between 7.00am and 6.00pm Monday to Friday, and 7.00am to 1.00pm on Saturdays. No construction work is to occur on Sundays or public holidays.

(b) Work may be conducted outside approved hours where:
   (i) the delivery of material is required outside the specified hours by police or other authorities for safety reasons; and/or
   (ii) the operation or personnel or equipment are endangered.

   and prior notification is provided to the EPA and affected residents where possible or within a reasonable period in the case of emergency.

(c) The approved hours may be varied with the written consent of the EPA only where it is satisfied that the amenity of the residents in the locality will not be adversely affected.

(d) A construction noise criterion of L_{A10} 50dB(A) shall apply unless a mutually satisfactory agreement with the owners of the Stevns and Gillies properties is negotiated by the Applicant.

7. Monitoring/Auditing

7.1 In addition to the requirements contained elsewhere in this consent, the Director-General may in consultation with the relevant government authorities and the Applicant, require the monitoring programs to be revised/updated at any time to reflect changing environmental requirements or changes in technology/operational practices related to the mining operations. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

7.2 All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program.

8. Reporting

[12] General Terms of Approval from the EPA.

8.1 Annual Environmental Management Report (AEMR)

(a) The Applicant shall, throughout the life of the southeast extension to the South Bulga underground operations and for a period of at least three years after the completion of mining operations submit an Annual Environmental Management Report (AEMR) to the satisfaction of the Director-General. The Report may be integrated with any existing AEMR for the existing South Bulga underground mining operations. The AEMR shall review the performance of the mining against the environmental management plans and the relevant Mining Operations Plans, the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the EIS's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:

(i) an annual compliance audit of the performance of the project against conditions of this consent and statutory approvals;
(ii) a review of the effectiveness of the environmental management of the mine in terms of government authority requirements;
(iii) results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;
(iv) identify trends in monitoring over the life of the mine;
(v) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
(vi) the outcome of the water management budget for the year, the quantity of water used from water storage and details of discharge of any water from the site; and
(vii) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.

(b) In preparing the AEMR, the Applicant shall:

(i) consult with the Director-General during preparation of each report for any additional requirements;
(ii) comply with any requirements of the Director-General or other relevant government agency; and
(iii) ensure that the first report is completed and submitted within twelve months of this consent, or at a date determined by the Director-General in consultation with the DMR and the EPA.

(c) The Applicant shall ensure that copies of each AEMR are submitted at the same time to DUAP, EPA, DLWC, NPWS, SSC and CCC, and made available for public information at Council within fourteen days of submission to these authorities.

8.2 [13]General Reporting

[13] General Terms from the EPA

(a) The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in the licence.

(b) All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer, on request.

(c) The EPA will require reporting on the environmental performance of the proposal as set out in the Environment Protection Licence.

9. Community Consultation/Obligations

9.1 Notice to Owners and Occupiers

(a) The Applicant shall notify each relevant landowner in writing, or by way of an advertisement in the local newspaper circulating in the locality:
   (i) of its intention to commence header roads under a property. Such notification to be made at least 14 days prior to commencement of such works; and
   (ii) of its intention to proceed with an application in accordance with s138 of the *Coal Mine Regulation Act, 1982*. Such notification to be made at least one month prior to an application under s138 being made for land within MLA 80 not owned or under licence to the Applicant.

(b) The notification referred to in sub-clause (a)(ii) above shall provide a timetable and information on at least the following:
   (i) landowner consultation arrangements;
   (ii) the proposed mine plan;
   (iii) arrangements for consultation in preparing a Property Subsidence Management Plan;
   (iv) landowner rights under law and the conditions of this consent; and
   (v) offers of assistance from the Applicant to meet reasonable landowner legal and associated costs.

9.2 Community Consultation

(a) Complaints

The Environmental Officer(s) (refer condition 3.1) shall be responsible:

(i) for the receipt of complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, the entering of complaints or comments in an up to date log book, and ensuring that a response is provided to the complainant within 24 hours; and

(ii) providing a report of complaints received every six months throughout the life of the project to the Director-General, SSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 8.1(a)).

9.3 Community Consultative Committee

(a) The Applicant shall:

(i) establish a Community Consultative Committee and ensure that the first meeting is held before the commencement of construction works. Selection of representatives shall be agreed by the Director-General and the appointment of an independent Chairperson shall be to the satisfaction of the Director-General in consultation with the Applicant and SSC. The Committee shall comprise representatives of the Applicant (including an Environmental Officer, condition 3.1), one (1) representative of SSC, and four community representatives, to monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The formation of the Committee may consider its interrelationship with any existing Consultative Committees of adjoining mine operations.

Representatives from relevant government agencies (including DUAP) or other authorities may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the implementation of the development and environmental management plans. The Applicant shall ensure that the Committee has access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General on matters arising.

(ii) The Applicant shall, at its own expense:

(a) nominate representatives to attend all meetings of the Committee;

(b) provide to the Committee regular information on the progress of work and monitoring results;

(c) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;

(d) provide access for site inspections by the Committee;

(e) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at SSC within 14 days of the meeting.

(iii) The Applicant shall establish a trust fund or other funding arrangement that may be agreed between the Applicant and the Committee, to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay $2000 per annum to the fund or other agreed arrangement, for the duration of mining operations. The monies are to be used only as required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of finances of the trust fund or other agreed arrangement, during each year shall be provided to the Director-General and the Applicant, by the Chairperson, on the anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.

10. Proponents Obligations

Land Acquisition as a Result of Subsidence

(A) Acquisition and Compensation – Significant Structural Damage to Dwellings

(a) Where a dwelling within the DA area is, or is likely to be, subject to damage beyond the safe, serviceable and repairable criteria as a result of the development, the landowner, after receiving notification from the Applicant in accordance with Condition 9.1(a)(ii), may request the Applicant in writing to:
- (i) carry out such works as agreed by the landowner to remedy or mitigate any damage; or
- (ii) compensate the landowner for such effects; or
- (iii) acquire the whole of the property, or such part of the property requested by the landowner where subdivision is approved.

(b) The Applicant shall comply with any such request for acquisition or compensation in accordance with Conditions 10 (C) and (D). If necessary to confirm the impact, the Applicant shall, at the request of the landowner in writing, conduct a follow-up structural inspection to one carried out under Condition 3.3(b)(iv). Any inspection or assessment under this Condition shall be conducted as if it were conducted under the relevant part of Condition 3.3(b).

(B) Acquisition and Compensation – Land Use Impacts

(a) Where a landowner suffers a loss of agricultural productivity or other adverse impact on the use of land as a result of the development, the landowner, after receiving notification from the Applicant in accordance with Condition 9.1(a)(ii), may request the Applicant in writing to:
- (i) carry out such works as agreed by the landowner to rectify the problem; or
- (ii) compensate the landowner for such effects; or

(iii) acquire the whole of the property, or such part of the property requested by the landowner where subdivision is approved.

(b) The Applicant shall comply with any such request for acquisition or compensation in accordance with Conditions 10(C)-(D). If necessary to confirm the impact, the Applicant shall, at the request of the landowner in writing, conduct a follow-up structural inspection to one carried out under 3.3(b)(iv). Any inspection or assessment under this condition shall be conducted as if it were conducted under the relevant part of 3.3(b).

(c) Where the landowner requests acquisition, significant adverse impact to agricultural productivity or the use of the land or an enterprise must be demonstrated.

(C) Acquisition and Compensation – Procedure

(a) Any disputes relating to land acquisition or compensation (except those relating to valuation matters) may be referred by either party to the Director-General for consideration and advice if no agreement is reached within three months of receipt by the Applicant of the written request, or to the Mining Warden at any time in accordance with the provisions of the Mining Act.

(b) Upon receipt of a written request to purchase property in accordance with any conditions of this consent, the Applicant shall negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of the request. The Applicant shall pay the landowners an acquisition price resulting from proper consideration of:
- (i) a sum not less than the current market value of the owner's interest in the land as if the land was unaffected by the development proposal, whosoever is the occupier, having regard to:
  - the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and
  - the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date.
- (ii) the owner's reasonable compensation for disturbance allowance and relocation within the Singleton local government areas, or within such other location as may be determined by the Director-General in exceptional circumstances;
- (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and
- (iv) the purchase price determined by reference to points (i), (ii) and (iii) shall be reduced by the amount of any compensation awarded to a landowner pursuant to the *Mining Act, 1992* or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements

on the land, unless otherwise determined by the Director-General in consultation with the DMR or MSB.

(c) An offer by the Applicant to purchase a property under the conditions of this consent shall remain open to the landowner for the following periods from the date of the offer:
   (i) for damage to a dwelling beyond the safe, serviceable and repairable criteria (Condition 10(A)), three years after completion of mining of longwall panels that affect the property;
   (ii) for land use impacts (Condition 10(B)), five years after completion of mining of longwall panels that affect the property.

(d) Notwithstanding any other Condition of this consent, the landowner and the Applicant may enter into any other agreed arrangement regarding compensation; or the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.

(D) Independent Valuation

(a) In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this consent, then either party may refer the matter to the Director-General who shall request an independent valuation to determine the acquisition price. The independent valuer shall consider any submissions from the landowner and the Applicant in determining the acquisition price.

(b) If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General, who, if satisfied that there is a need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:
   (i) the appointed independent valuer;
   (ii) the Director-General; and/or
   (iii) the President of the Law Society of NSW or nominee.

   The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.

(c) The Applicant shall bear the costs of any independent valuation or survey assessment requested by the Director-General.

(d) The Applicant shall, within fourteen days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation.

11. Further Approvals and Agreements

Statutory Requirements

The Applicant shall ensure that all statutory requirements, including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the SSC, EPA, DMR, NPWS, DLWC, RTA, and the Commonwealth Government are fully met.