

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF MODIFICATION TO A DEVELOPMENT CONSENT PURSUANT TO SECTION 96 (1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Urban Affairs and Planning, under Section 96(1A) of the amended Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development.

Andrew Refshauge MP
Minister for Urban Affairs and Planning,

Sydney,

29 August 2001

File No: N92/00275

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 14 October 1998 to a development application made by Powercoal Pty Ltd for extension to Underground Mining Activities for Cooranbong Colliery, establishment of Mine Access Site, modification to Coal Preparation and Transportation System and establishment of a Coarse Reject Emplacement Area.

SCHEDULE 2

The development consent is modified as follows:

General

Condition 1

Modify Condition 1 by inserting after "(refer to Schedule 5)" the words "and the modification application prepared by Powercoal dated 29 March 2001."

Property Subsidence Management Plans – Preparation

Condition 13

Delete the existing Condition 13 and replace with a new Condition 13 as follows:

Condition 13

- (i) *The Applicant shall prepare and implement a "Landowner Communication and Consultation Plan" relating to longwall extraction throughout the DA area, within one month of the date of consent of this modification. The Plan shall be approved by the Director-General and the final approved plan made available for public inspection. The plan shall include but not be limited to details of*

consultation with all landowners located in Mining Zones 1, 2, and 3 proposed over the life of the mine consistent with the conditions of this consent.

- (ii) *The Applicant shall prepare a Property Subsidence Management Plan to the satisfaction of the Director-General of DMR (or delegate) for each property title to be affected by the effects of subsidence from a longwall panel or groups of longwall panels, or other area of secondary workings, for which an application for secondary workings approval under s.138 of the Coal Mines Regulation Act 1982 is being prepared.*
- (iii) *At least two (2) years prior to the extraction of coal by longwall mining referred to in Condition 13(ii) or other secondary workings requiring approval under s.138 of the Coal Mines Regulation Act, 1982, the Applicant will advise each landowners within the area covered by the s.138 application referred to in Condition 13(ii) of:*
 - (a) *The expected impacts of longwall mining below the landowner's property based on best available information; and*
 - (b) *The rights of the landowner:*
 - *To obtain financial assistance from the Applicant for independent legal advice on the landowner's rights under law and under the Conditions of Consent as detailed in Condition 22;*
 - *To obtain financial assistance to meet reasonable landowner legal and associated costs for the landowner to obtain independent property valuations and advice on acquisition agreements; and*
 - *To be provided with information to enable the landowner to negotiate with the Applicant over relevant matters arising from the application to mine below the landowner's property.*
- (iv) *The relevant Property Subsidence Management Plans shall be completed in consultation with affected landowners prior to seeking approval under s.138 of the Coal Mines Regulation Act 1982 for the secondary workings referred to in 13(ii).*
- (v) *Each Property Subsidence Management Plan shall demonstrate consistency with the relevant MOP and the Environmental Management Strategy”.*

Longwall Subsidence Management Plans

Condition 18

Delete the existing Condition 18 and replace with a new Condition 18 as follows:

Condition 18

- (i) *The Applicant shall prepare a Longwall Subsidence Management Plan to the satisfaction of the Director-General of DMR (or delegate) for each longwall panel or group of panels for which an application for secondary workings approval under s. 138 of the Coal Mines Regulation Act 1982 is being prepared.*
- (ii) *The Longwall Subsidence Management Plan shall be completed prior to an approval under s.138 of the Coal Mine Regulation Act 1982 for secondary workings. Each Longwall Subsidence Management Plan shall be consistent with the conditions of this consent, the Environmental Management Strategy and any relevant management plans.”*

Notification to Landowners

Condition 22

Delete Condition 22(ii).

Add to Condition 22(v) the following words "*for reaching property agreement and valuations (if required).*"
