### COMMONWEALTH OF AUSTRALIA

### ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

## DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the Environment Protection and Biodiversity Conservation Act 1999, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Wildlife Division, a delegate for the purposes of section 133, approve the taking of the following action:

to extend the underground coal mining operations at the existing Bulga Complex, Singleton, (EPBC 2002/773)

by Bulga Coal Management Pty Ltd subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

Sections 26 and 27A (Protection of the environment from actions involving Commonwealth land) of the Environment Protection and Biodiversity Conservation Act 1999.

This approval has effect until 31 December 2034.

day of November

GERARD PATRICK EARLY

FIRST ASSISTANT SECRETARY

APPROVALS AND WILDLIFE DIVISION

#### **ANNEXURE 1**

- 1. Prior to the commencement of the mine expansion, the person taking the action must submit for the Minister's approval a plan for managing the impacts of subsidence on the environment on Commonwealth land. The plan must include:
  - (a) a full description, including maps, of the area that may be impacted by mining activity, including areas of environmental and heritage sensitivity;
  - (b) predictions of the expected extent of subsidence;
  - (c) a detailed outline of the potential environmental, heritage, land use and other impacts of subsidence;
  - (d) proposals to minimise the impacts of surface subsidence, particularly in areas of environmental and heritage sensitivity;
  - (e) measures for ground and surface water monitoring and management;
  - (f) proposals for any necessary rehabilitation and repair of subsidence impacts;
  - (g) a process of stakeholder consultation, and;
  - (h) a detailed and ongoing Subsidence Monitoring and Reporting Program.

The plan must be submitted for the approval of the Minister within three years of the date of this approval. The approved plan must be implemented.

- 2. Within one year of the commencement of mining activities on Commonwealth land and at the completion of mining activities, the person taking the action must ensure that an independent audit of compliance with the plan referred to in paragraph 1 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.
- 3. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in paragraph 1, the person taking the action may submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
- 4. If the Minister believes that it is necessary or desirable for the better protection of the environment on Commonwealth land to do so, the Minister may request that the person taking the action make specified revisions to the plans approved pursuant to paragraph 1 and submit the revised plan for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan must be implemented.
- 5. On 1 July of each year after the commencement of mining operations on Commonwealth land, the General Manager of Bulga Coal Management Pty Ltd must provide a certificate stating that the Bulga Coal Management Pty Ltd has complied with the conditions of this Approval.



# **Australian Government**

# Department of the Environment and Heritage

Mr Jim Sandford Manager Engineering Services Bulga Coal Management Pty Ltd PMB 8 SINGLETON NSW 2330

Dear Mr Sandford

## Bulga Underground Coal Mine Extension (EPBC 2002/773)

I refer to your proposal to construct and operate an underground coal mine extension at the Bulga Coal Mine near Singleton, NSW.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) and have decided to grant an approval to Bulga Coal Management Pty Ltd. The proposal must be undertaken in accordance with specified conditions. A copy of the approval is attached for your information.

I would appreciate your assistance by informing me when you start the action and who will be the contact officer.

Please note, any plans or reports required, as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

It should also be noted that, although an approval has been granted under Part 9 of the EPBC Act, this approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, State or Territory that is applicable to the action, and to have any right, title or interest that is required to access land or waters and to do the action.

If you require any further information please contact Darren Grover on 02 6274 2332 or darren.grover@deh.gov.au.

Yours sincerely

Gerard Early

First Assistant Secretary

Approvals and Wildlife Division

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23 November 2004