
Subsidence Management Plan Approval

I, the Director-General, Department of Primary Industries, having considered the likely environmental impacts of the mining operations identified in the Project Description specified in Schedule 1 and having had regard to the principles of ecologically sustainable development as defined in the *Protection of the Environment Administration Act 1991*, hereby approve the Subsidence Management Plan identified in Schedule 1 for the purposes of the SMP Condition that became effective on 18/3/2004 in Coal Lease No.CL374, CL743, CL397, Mining Lease No. ML1402 and MLA236, subject to the conditions set out in Schedule 2.

This Approval only authorises the underground mining operations identified in the Project Description for the Period identified in Schedule 1. Obligations under this Approval regarding rehabilitation, monitoring and impact management continue to apply after the expiry of this period unless otherwise notified in writing by the Director-General.

These conditions are required to:

- ensure optimal mineral resource recovery;
- prevent, minimise, manage and/or offset adverse impacts;
- provide for the ongoing environmental management of the project;
- ensure the area disturbed by mining is appropriately rehabilitated.

The rights and duties of a Leaseholder are those prescribed by the *Mining Act 1992*, subject to the terms and conditions of the Lease which include a requirement to carry out operations in accordance with the Subsidence Management Plan conditionally approved by this Approval. This Subsidence Management Plan Approval does not override any obligation on the Leaseholder to comply with the requirements of other legislation and regulatory instruments unless specifically provided in the Mining Act or other legislation or regulatory instruments.

Note: This Approval does not constitute an approval under Section 138 Coal Mines Regulation Act 1982 or clause 88 of the Coal Mines Health and Safety Regulation 2006.

SIGNED



Alan Coutts
Deputy Director-General
NSW Department of Primary Industries
Under delegation for the Director -
General

7 December, 2007

Date of Approval:

File No: 05/1689

SCHEDULE 1
Description of Approved Activity

Project Description: North Wambo Longwalls 1 - 6
Subsidence Management Plan: North Wambo Underground Mine Subsidence Management Plan Application dated March 2006, and any other supplementary supporting information provided to the Department.

Seam: Wambo
Approved Period of Mining: Date of Approval to 1 November 2013 or expiry/cancellation of CL374, CL743, CL397 ML1402 or MLA236. whichever occurs first.

SCHEDULE 2

Definitions

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|---------------------------------|--|
| Activity | The proposed longwall mining described in the SMP |
| Application Area | The area identified within the SMP. |
| Bore | Any bore or well connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water |
| DECC | Department of Environment and Climate Change |
| Department / DPI | Department of Primary Industries |
| Director General | Director General of the Department of Primary Industries, or delegate |
| Inspector of Coal Mines | Inspector of Coal Mines with DPI |
| Director Mine Safety Operations | Director Mine Safety Operations with DPI |
| DSC | Dam Safety Committee |
| DWE | Department of Water and Energy |
| DoP | Department of Planning |
| Environment | includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| Leaseholder | The leaseholder of Coal Lease No. CL374, CL743, CL397 ML1402 or MLA236. |
| Longwall mining | The extraction of the longwall panels covered by the SMP |
| MSB | Mine Subsidence Board |
| Principal Subsidence Engineer | Principal Subsidence Engineer with DPI |
| PSMP | Property Subsidence Management Plan |
| SMP | Subsidence Management Plan, titled North Wambo Underground Mine Subsidence Management Plan Application dated March 2006 and supplementary supporting information provided to the Department |
| SMP Approved Plan | North Wambo Underground Mine Subsidence management Plan-Full Extraction "SMP Approved Plan" Drawing Number 01340 Revision D, signed by the Mine Manager on 30-11-2007 and approved by the Director General, NSW Department of Primary Industries |
| Subsidence Impacts | Direct or indirect impacts resulting from subsidence from longwall mining |
| Subsidence | Movement and/or deformation of the ground surface or subsurface strata as a direct and/or indirect result of longwall mining |

Conditions

Limits on Approval

1. The Leaseholder must carry out the activity strictly in accordance with SMP Approved Plan.
2. The Leaseholder must carry out the activity generally in accordance with the SMP subject to the conditions of this Approval.

In the event of any inconsistency between the conditions of this Approval and the SMP, the conditions of this Approval prevail to the extent of any inconsistency.

3. Where this Approval requires actions to be undertaken by the Leaseholder, including remediation of subsidence impacts, the obligation continues until the Director General notifies the Leaseholder that the action has been completed to his or her satisfaction.

4. The Director General may vary the conditions of this Approval by notice in writing.
5. The Director General may, at his or her discretion, suspend or revoke this Approval if:
 - a) the Leaseholder fails to adhere to any condition of the Approval; or
 - b) the head of any other government authority requests suspension or revocation on the basis of the Leaseholder's non-compliance, or potential non-compliance, with legislation administered by that agency related to this Approval.

General Obligation to Minimise Harm to the Environment

6. The Leaseholder must implement the SMP (as amended by the conditions of this Approval) and carry out any additional practicable measures necessary to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the activity.

Notification of Approval

7. The Leaseholder must give notice of this SMP approval within 30 days, to Singleton Shire Council, NSW Heritage Office, the local Aboriginal Land Council/s, the owners/operators of any infrastructure, and landowners in the application area that Director General's approval of the SMP has been granted.

Note: Relevant government authorities and stakeholders are listed in the Guideline for Application for Subsidence Management Approvals.

Implementation of Approval

8. Any plans, programmes, reports or strategies required as a condition of this Approval must be developed having regard to any guidelines adopted by the Director General for the purpose of subsidence management and mine rehabilitation.
9. The Leaseholder must implement any plan, programme or strategy required and approved pursuant to this Approval.

Note: The programme should be submitted at least 30 days prior to the expected commencement of operations to enable sufficient time for the assessment of the programme. Further information may be required to assist in the assessment of the programme or a resubmission of the programme if it is considered inadequate. Complex issues, the need for additional information or a resubmission of the programme may require a longer assessment period.

The Leaseholder may, at any time, submit an amended plan, programme or strategy for approval.

Once approved, the amended plan, programme or strategy must be implemented, however, up until the date of approval, the Leaseholder must continue to implement the previously approved plan, programme or strategy.

10. Any modifications to plans, programs or strategies already approved for the purposes of the conditions of this Approval must have regard to the matters set out in condition 8. Amended plans, programmes or strategies submitted for approval must be accompanied by all relevant supporting documentation to assist in the assessment of the amendment or modification.

Note: This condition relates to plans, programmes and strategies required by the conditions of this Approval – it does not apply to variations to the SMP or the SMP Approved Plan which must be done in accordance with the requirements of the Mining Act, the conditions of title and the variation procedures identified in the SMP guidelines.

Directions

11. The Leaseholder must comply with any written direction given by the Director-General, Director Environmental Sustainability, Director Mine Safety Operations or Principal Subsidence Engineer relating to:
- the implementation of any aspect of the SMP or an approved plan, programme or strategy;
 - assessing or reviewing the adequacy, effectiveness, or coverage of any approved plan, programme or strategy or any aspect of the SMP;
 - the type, timing and/or location of monitoring of baseline conditions, subsidence or subsidence impacts;
 - any reporting requirement under this Approval;
 - the carrying out of works to address subsidence impacts; and
 - the carrying out of any studies or investigations related to subsidence or subsidence impacts and the reporting of any findings or conclusions.

The obligations under this condition prevail over any other obligation under this Approval.

Note: Compliance with a written direction will not operate as a defence to a breach of any obligation under this Approval that occurred prior to the Direction being given.

Subsidence Monitoring

12. The Leaseholder must submit to the Principal Subsidence Engineer for approval a subsidence monitoring programme for the longwall panels which are the subject of this Approval. This programme must include:
- inspection regimes;
 - layout of monitoring points;
 - parameters to be measured;
 - monitoring methods and accuracy;
 - timing and frequencies of surveys and inspections;
 - recording and reporting of monitoring results.

The Leaseholder must not commence longwall mining prior to the subsidence monitoring programme being approved.

Note: *The programme should be submitted to the Principal Subsidence Engineer at least 90 days prior to the expected commencement of operations to enable sufficient time for the assessment of the programme. The Principal Subsidence Engineer may require the provision of further information to assist in the assessment of the programme or a resubmission of the programme if it is considered inadequate. Complex issues or the need for additional information or a resubmission of the programme may require a longer assessment period.*

Infrastructure and Property Management

13. The Leaseholder must submit to the Director Mine Safety Operations for approval management plans for any infrastructure that may be affected by subsidence. These plans must be developed in consultation with:
- I. the owners/operators of the infrastructure and
 - II. any Government Agency with a regulatory role for the infrastructure.

The Leaseholder must not commence longwall mining prior to the management plans for the following infrastructure being approved:

- a) Energy Australia Transmission Lines.

Public Safety

14. The Leaseholder must submit to the Director Mine Safety Operations for approval a plan to manage public safety in any surface areas that may be affected by subsidence. The Leaseholder must not commence longwall mining prior to this plan being approved.

Note: *The Plan may make reference to public safety management procedures contained in other management plans.*

Incident and Ongoing Management Reporting

15. The Leaseholder must, within 24 hours of becoming aware of the occurrence, notify:
- a) the Principal Subsidence Engineer;
 - b) the operators of all infrastructure covered by condition 13; and
 - c) any Government Agency with a regulatory role if they request such notifications,
- of the following:
- a) Any significant unpredicted and/or higher-than-predicted subsidence and/or abnormalities in the development of subsidence;
 - b) Any exceedance of predicted impacts on surface and groundwater resources and/or the natural environment that may have been caused (whether partly or wholly) by subsidence;
 - c) Any observed subsidence impacts adverse to the serviceability and/or safety of infrastructure and other built structures that may be affected by longwall mining;

- d) Any significant subsidence-induced cracking and/or ground deformations observed in any surface areas within the SMP application area;
- e) Any observed rock falls or instability of cliff formations/steep slopes.

Note: Under Condition 11, the Leaseholder can be directed to, among other things, prepare a report on an incident reported under this condition. A report on the details of the incident, including likely or known causes, response action and proposed response measures will generally be required for incidents that involve material property or environmental damage or have the potential to cause such damage.

16. The Leaseholder must prepare and maintain a Subsidence Management Status Report which must include but not be limited to:

- a) the current face position of the longwall panel being extracted;
- b) a summary of any subsidence management actions undertaken by the Leaseholder in the period subsequent to the last regular submission of the Status Report;
- c) a summary of any comments, advice and feedback from consultation with stakeholders in relation to the implementation of this Approval (including the preparation, implementation and review of plans, programmes, reports or strategies required by this approval) undertaken or received in the period subsequent to the last regular submission of the Status Report and a summary of the Leaseholder's response to the comments, advice and feedback given by the stakeholders;
- d) a summary of the observed and/or reported subsidence impacts, incidents, service difficulties, community complaints, and any other relevant information reported to the Leaseholder in the period subsequent to the last regular submission of the Status Report and a summary of the Leaseholder's response to these impacts, incidents, service difficulties and complaints;
- e) a summary of subsidence development based on monitoring information compared with any defined triggers and/or the predicted subsidence to facilitate early detection of potential subsidence impacts;
- f) a summary of the adequacy, quality and effectiveness of the implemented management processes based on the monitoring and consultation information summarised above, and
- g) a statement regarding any additional and/or outstanding management actions to be undertaken or the need for early responses or emergency procedures to ensure adequate management of any potential subsidence impacts due to longwall mining.
- h) A review of any activities associated with the North Wambo Creek Diversion incorporating all stages; Temporary Bypass, Stage 1, Stage 2 and Temporary Pipeline Stage.

The Subsidence Management Status Report must be updated at least every 14 days to reflect any changes in the information required to be included in the Report. The Status Report must be regularly submitted to the Principal Subsidence Engineer and each operator of infrastructure referred to in condition 13 every four (4) months from the commencement of extraction. The Status Report (as updated from time to time) must be provided, upon request, to the Mine Subsidence Board, the Director of Environmental

Sustainability, the Principal Subsidence Engineer of the Department of Primary Industries, owners/operators of any infrastructure within the application area and any other Government Agency with a regulatory role if they request such notifications.

End of Panel Report

17. Within 6 months of the completion of each longwall panel, an end of panel report must be prepared to the satisfaction of the Director Environmental Sustainability. The end of panel report must:

- a) include a summary of the subsidence and environmental monitoring results for the applicable longwall panel;
- b) include an analysis of these monitoring results against the relevant;
 - impact assessment criteria;
 - monitoring results from previous panels; and
 - predictions in the SMP.
- c) identify any trends in the monitoring results over the life of the activity; and
- d) describe what actions were taken to ensure adequate management of any potential subsidence impacts due to longwall mining.

Access to Information

18. Within 3 months of the submission of an End of Panel Report (as required by Condition 15) or the approval of a plan, programme or strategy required under this Approval or the SMP (or any subsequent revision of these documents), the Leaseholder must, to the satisfaction of the Director General:

- a) provide a copy of these document/s to all relevant agencies;
- b) ensure that a copy of the relevant documents is made publicly available at the Leaseholder's regional office; and
- c) put a copy of the relevant document/s on the Leaseholder's website.

Miscellaneous Conditions

Threatened Species

19. The Leaseholder must develop a plan that addresses the management of subsidence impacts on the *Acacia pendula* population. The commencement of extraction of Longwall Panel 4 must not be permitted unless the Plan is approved by the Director Environmental Sustainability.

Watercourses and Groundwater

20. The Leaseholder must ensure full compliance with any statutory requirements of the Department of Water and Energy, the Department of Environment and Climate Change and Department of Primary Industries – Fisheries, with regard to management of watercourses and groundwater resources that may be affected by subsidence arising from the extraction of the subject longwall panels.

Land Management

21. The Leaseholder must develop a procedure to ensure adequate management of any impacts associated with inundation/ponding, surface cracking, erosion, soil slumping, land degradation and collapse of shallow workings caused by subsidence due to longwall mining. The plan must be developed to the satisfaction of the Director Environmental Sustainability and submitted for approval within four months of this approval.

Archaeological and Heritage Sites

22. The Leaseholder must ensure full compliance with any statutory requirements of the Department of Environment and Climate Change and the Heritage Office, with regard to any archaeological and heritage sites that may be affected by subsidence arising from longwall mining or during the remediation of impacted areas.

North Wambo Creek Diversion

23. The Leaseholder must submit a diversion design plan that has been developed in consultation with the Department of Water and Energy and the Department of Primary Industries – Fisheries, and the Director Environmental Sustainability prior to the commencement of the diversion construction works.
24. The Leaseholder must ensure that all remediation works and associated monitoring are documented and reported in the Wambo Annual Environment Management Report in accordance with the Mining Rehabilitation and Environmental Management Plan guidelines.