

# Subsidence Management Plan Approval

I, the Director General, Department of Trade and Investment, Regional Infrastructure and Services, NSW, 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 18/03/2004 in ML 1365, ML 1341 and CCL 741 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 and Area 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 of the Coal Mines Regulation Act 1982 or clause 88 of the Coal Mines Health and Safety Regulation 2006.

**SIGNED**



Brad Mullard  
**Executive Director, Mineral Resources**  
**Under delegation for the Director General**

20 DEC 2011

**Date of Approval**

**File No:** 09/5344

## SCHEDULE 1

### Description of Approved Activity

<b>Project Description:</b>	Ulan Colliery Longwalls C, E, F & G (North 1 area) only
<b>Subsidence Management Plan:</b>	Subsidence Management Plan component of Ulan Colliery Integrated SMP & Extraction Plan Longwall Panels LW27-29, W4-W5 and LW C, E, F, G (North1) dated September 2011, and any supplementary supporting information provided to the Department.
<b>Seam:</b>	Ulan Coal Seam.

**Approved Period of Mining:** Date of Approval to 30 December 2018, or the expiry/cancellation of ML 1341, ML 1365 and CCL 741 whichever occurs first.

## SCHEDULE 2

### Definitions

Activity	The proposed mining described in the SMP
AEMR	Annual Environmental Management Report
Application Area	The area identified as 'North 1 Area' 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
Council	Mid-Western Regional Council
Department	Department of Trade and Investment, Regional Infrastructure & Services, Division of Resources & Energy
Director, Environmental Sustainability & Land Use	Director, Environmental Sustainability & Land Use of the Department
Director General	Director General of the Department, or delegate
Director, Mine Safety Operations	Director, Mine Safety Operations of the Department
DP&I	Department of Planning and Infrastructure
EPA	Environment Protection Authority
Inspector of Coal Mines	Inspector of Coal Mines of the Department
NOW	Department of Trade & Investment – NSW Office of Water
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 ML 1341, ML 1365 and CCL 741
Longwall Mining	The extraction of the longwall panels covered by the SMP
Proposed Mining	The extraction of coal from the proposed panels specified in Schedule 1.
MSB	Mine Subsidence Board
Principal Subsidence Engineer	Principal Subsidence Engineer of the Department
PSMP	Property Subsidence Management Plan
SCA	Sydney Catchment Authority
SMP	Subsidence Management Plan, titled Ulan Colliery Integrated SMP & Extraction Plan Longwall Panels LW27-29, W4-W5 and LW C,E,F,G (North1) dated September 2011 and supplementary supporting information provided to the Department.
SMP Approved Plan	Plan No. 1c titled 'LW C,E,F,G SMP/Extraction Plan Area SMP Approved Plan, signed by the Mine Manager on 5 September 2011 and approved by the Director General.
Subsidence Impacts	Direct or indirect impacts resulting from subsidence from the proposed mining
Subsidence	Movement and/or deformation of the ground surface or subsurface strata as a direct and/or indirect result of the longwall mining

### Conditions

#### Limits on Approval

- 1 The Leaseholder must carry out the activity strictly in accordance with the 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 in relation 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 any harm to the environment that may result from the construction, operation, or rehabilitation of the activity. Where prevention can not be achieved the leaseholder is to demonstrate minimisation of harm to the environment that may result from the construction, operation, or rehabilitation of the activity.

### **Notification of Approval**

- 7 The Proponent must give notice of this SMP approval within 30 days to the DP&I, NOW, EPA, Council, MSB, the local Aboriginal Land Council/s, the owners/operators of any infrastructure, and landowners in the application area and any other relevant government agencies or stakeholders that the Director General's approval of the SMP has been granted.

### **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 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, programmes 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 & Land Use, 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/or
  - 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 Programme

- 12 **Note** – The Subsidence Monitoring Program submitted in the Ulan Colliery Integrated SMP & Extraction Plan application dated September 2011 for LW C,E,F G (North 1) and approved by DP&I under condition 26(g) Schedule 3 of Project Approval (08\_0184 MOD 1) forms the Subsidence Monitoring Program for this approval.

## Environmental Management Plan

- 13 **Note** –The Rehabilitation Management Plan, Water Management Plan, Biodiversity Management Plan and Heritage Management Plan approved by DP&I under conditions 26(g)and 26(h) Schedule 3 of Project Approval (08\_0184 MOD 1) forms the Environmental Management Plan for this approval.

## Infrastructure and Property Management

- 14 **Note** –The Built Features Management Plan in the Ulan Colliery Integrated SMP & Extraction Plan application dated September 2011 for LW C,E,F G (North 1) and approved by DP&I under condition 26(g) Schedule 3 of Project Approval (08\_0184 MOD 1) forms the Infrastructure and Property Management Plan for this approval.

## 15 Public Safety

**Note** – The Public Safety Management Plan submitted in the Ulan Colliery Integrated SMP & Extraction Plan application dated September 2011 for LW C,E,F G (North 1) and approved by DP&I under condition 26(g) Schedule 3 of Project Approval (08\_0184 MOD 1) forms the Public Safety Management Plan for this approval.

## Incident and Ongoing Management Reporting

- 16 The Leaseholder must, within 24 hours of becoming aware of the occurrence, notify:
- the Principal Subsidence Engineer;
  - Director, Environmental Sustainability;
  - The Mine Subsidence Board;
  - NSW Office of Water;
  - other relevant stakeholders any Government Agency with a regulatory role if they request such notification, 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 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;

**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.

### Status Report

- 17 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.

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 the NSW Office of Water every four (4) months from the date of this Approval. The Status Report (as updated from time to time) must be provided, upon request, to the Mine Subsidence Board, the Director of Environmental Sustainability & Land Use, the Principal Subsidence Engineer and any other relevant stakeholders.

### End of Panel Report

- 18 Within 4 months of the completion of each longwall panel, an end of panel report must be submitted to the Director General. 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

- 19 Within 3 months of the submission of an End of Panel Report (as required by Condition 18) 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.

*Note: Relevant agencies currently include MSB, EPA, NOW and DP&I.*

### Survey Marks

- 20 At the completion of subsidence, or otherwise as required by the Land and Property Management Authority , the functionality of any survey marks affected by subsidence must be fully restored to the satisfaction of the Land and Property Management Authority.

### Water Supply

- 21 In the event of interruptions to potable water supplies (water quality and/or quantity) due to subsidence impacts on water supply systems and/or sources caused by longwall mining, the Leaseholder must provide, without delay, water supplies of equivalent quality and quantity to locations convenient to those affected within the SMP Application Area until such time that the affected water supply systems and/or sources are restored.