

Subsidence Management Plan Approval

I, the Director-General, Department of Industry and Investment 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 18/3/2004 in Consolidated Coal lease No.716, Mining Lease No.1376 & Mining Lease No.1539, 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.

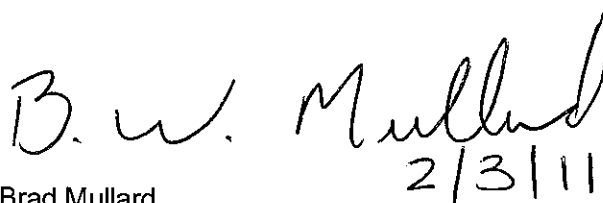
These conditions are required to:

- 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 Coal Mines Regulation Act 1982 or clause 88 of the Coal Mines Health and Safety Regulation 2006.

SIGNED



2/3/11

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

Date of Approval

File No: 09/3679-4

SCHEDULE 1

Description of Approved Activity

Project Description:	Tahmoor Colliery Longwall 26 extraction only
Subsidence Management Plan:	Tahmoor Colliery SMP Application, Longwalls 24 to 26, dated 10 March 2006, and any supplementary supporting information provided to the Department.
Seam:	Bulli Seam.
Approved Period of Mining:	Date of Approval to 31 October 2017 or the expiry/cancellation of CCL716, ML1376 or ML1539 whichever occurs first.

SCHEDULE 2

Definitions

Activity	The proposed mining described in the SMP
AEMR	Annual Environmental Management Report
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
Council	Wollondilly Shire Council
DECCW	Department of Environment Climate Change & Water
Department	Department of Industry and Investment, Minerals and Energy Division
Director, Environmental Sustainability	Director, Environmental Sustainability of the Department
Director-General	Director-General of the Department, or delegate
Director, Mine Safety Operations	Director, Mine Safety Operations of the Department
Inspector of Coal Mines	Inspector of Coal Mines with Department
DECCW - NOW	Department of Environment Climate Change & Water – NSW Office of Water
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 CCL716, ML1376 & ML1539.
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 with the Department
PSMP	Property Subsidence Management Plan
SMP	Subsidence Management Plan, titled Tahmoor Colliery SMP Application, Longwalls 24 to 26, dated 10 March 2006 and supplementary supporting information provided to the Department.
SMP Approved Plan	Plan No. TCC-1089 revision 11 titled 'Tahmoor Colliery SMP Approved Plan Longwall 26', signed by the Mine Manager on 22 July 2010 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 proposed 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 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 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 Proponent must give notice of this SMP approval within 30 days to the DoP, DECCW-NOW, DECCW, Council, MSB, the local Aboriginal Land Council/s, the Independent Transport Safety and Reliability Regulator, 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.

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 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, Director Mine Safety Operations or Principal Subsidence Engineer relating to:
- a) the implementation of any aspect of the SMP or an approved plan, programme or strategy;
 - b) assessing or reviewing the adequacy, effectiveness, or coverage of any approved plan, programme or strategy or any aspect of the SMP;
 - c) the type, timing and/or location of monitoring of baseline conditions, subsidence or subsidence impacts;
 - d) any reporting requirement under this Approval;
 - e) the carrying out of works to address subsidence impacts; and/or
 - f) 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 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:
- a) inspection regimes;
 - b) layout of monitoring points;
 - c) parameters to be measured;
 - d) monitoring methods and accuracy;
 - e) timing and frequencies of surveys and inspections;
 - f) 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 30 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.*



Environmental Management

- 13.1 The Leaseholder must submit to the Director Environmental Sustainability for approval an Environmental Management Plan (EMP) for the panels which are the subject of this Approval. This plan must address subsidence impacts on:
- a) surface and groundwater (quality and quantity) , including Myrtle and Redbank Creeks; and
 - b) Geomorphology, including rock bars and cliff lines.

The leaseholder must not operate other than in accordance with an Environmental Management Plan (EMP) approved by the Director Environmental Sustainability. This plan must address subsidence impacts above and must include:

- a) a detailed monitoring programme;
- b) trigger levels for subsidence impacts that require actions and responses;
- c) the procedures that would be followed in the event that the monitoring indicates an exceedance of trigger levels;
- d) measures to mitigate, remediate and/or compensate any identified impacts;
- e) a protocol for the notification of identified exceedances of the trigger levels; and
- f) a contingency plan.

This plan must be prepared in consultation with relevant landholders and government agencies. The Groundwater EMP must be consistent with the Department of Water and Energy's "Draft Guidelines for Groundwater Monitoring".

The Leaseholder must not cause subsidence impacts prior to the Environmental Management Plan being approved.

Note: *The programme should be submitted to the Director Environmental Sustainability at least 30 days prior to the expected commencement of operations to enable sufficient time for the assessment of the programme. The Director Environmental Sustainability 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.*

- 13.2 The leaseholder must ensure that subsidence impacts do not result in any pollution of Myrtle Creek.

Infrastructure and Property Management

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

The Leaseholder must not cause subsidence impacts prior to the management plans for the following infrastructure being approved:

- i) Main Southern Railway and associated structures and infrastructure;
- ii) Sydney Water potable water infrastructure;
- iii) Sydney Water sewer infrastructure;
- iv) Rail Transport Museum Picton-Mittagong Loop Line;
- v) Telstra infrastructure;
- vi) Inghams Enterprises Pty Ltd and Pepe's Ducks;
- vii) Public amenities and commercial structures;
- viii) Tahmoor Town Centre;
- ix) Jemena infrastructure;
- x) Integral Energy infrastructure;
- xi) Wollondilly Shire Council roads, bridges, culverts and any other associated structures, and
- xii) Any other infrastructure that may be required by the Director Mine Safety Operations for subsidence management.

- 14.2 The Leaseholder must submit to the Director Mine Safety Operations for approval management plans to address the safety, serviceability and structural condition of the residential buildings and associated structures that may be affected by subsidence. These plans must be developed in consultation with:
- a) Mine Subsidence Board.

The Leaseholder must not cause subsidence impacts upon the residential buildings and associated structures not owned by the Leaseholder prior to the management plans being approved.


Public Safety

- 15 The Leaseholder must prepare and implement a public safety management plan to ensure public safety in any structures, houses and surface areas that may be affected by subsidence, to the satisfaction of the Director, Mine Safety Operations.
- The plan must include, but not be limited to:
- a) regular monitoring and identification of houses which are hazardous or could become hazardous due to subsidence impacts;
 - b) regular monitoring of areas or infrastructure/structures posing safety risks;
 - c) regular monitoring of any areas with cliff formations and/or steep slopes that may be affected by subsidence;
 - d) measures to prevent, mitigate and remediate hazards and safety risks referred to in a) and c) above;
 - e) erection of warning signs;
 - f) entry restrictions;
 - g) backfilling of dangerous surface cracks;
 - h) securing of unstable built structures or rockmass where required and appropriate; and
 - i) provision of timely notification of proposed mining progress to the community and any other relevant stakeholders where management of public safety is required.

Incident and Ongoing Management Reporting

- 16 The Leaseholder must, within 24 hours of becoming aware of the occurrence, notify:
- i. the Principal Subsidence Engineer;
 - ii. Director, Environmental Sustainability;
 - iii. The Mine Subsidence Board;
 - iv. Department of Environment Climate Change & Water – NSW Office of Water;
 - v. the operators of all infrastructure; and
 - vi. 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;
 - (e) Any buildings, structures and infrastructure, which have become or are likely to become hazardous as a result of subsidence, and
 - (f) Development of instability and/or falls of rocks within any areas with cliff formations and/or steep slopes that may have been affected by subsidence.

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.



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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 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, the Department of Environment Climate Change & Water – NSW Office of Water and each operator of infrastructure 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, the Principal Subsidence Engineer, owners/operators of any infrastructure within the application area and any other relevant stakeholders.

End of Panel Report

- 18 Within 3 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) place a copy of the relevant document/s on the Leaseholder's website.

Note: Relevant agencies currently include MSB, DECCW, DECCW-NOW and DoP.

Independent Environmental Audit

- 20 If directed by the Director Environmental Sustainability, the Leaseholder must commission and pay the full cost of an Independent Environmental Audit of the activity. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person/s whose appointment has been endorsed by the Director Environmental Sustainability;
 - (b) have the scope developed in consultation with the relevant agencies and agreed to by the Director Environmental Sustainability;
 - (c) assess the environmental performance of the activity, and its effects on the surrounding environment, particularly with respect to the Nepean River;
 - (d) assess whether the activity is complying with the relevant standards, performance measures and statutory requirements including compliance with this approval;
 - (e) review the SMP and any strategy/plan/programme required under this Approval; and, if necessary;
 - (f) recommend measures or actions to improve the environmental performance of the activity, and/or the SMP and other strategy/plan/programme required under this Approval.

Note: It is the role of the reporting and auditing required under this Approval to inform the Leaseholder, the Department and other stakeholders of the effectiveness of the implementation of the terms of this Approval. The Leaseholder is expected to be proactive in identifying areas where impacts from the longwall mining can be better managed and implement necessary measures and, where necessary, amend any approved plans, programmes or strategies to ensure that this is achieved. Condition 4 of the Approval permits the Director General to amend the terms of this approval at any time. This power will generally only be exercised where the terms of this Approval and/or the carrying out of this project is causing impacts that the Department considers to be unreasonable. The Department or other Government agencies may consider other enforcement action if environmental impacts caused by the longwall mining which is the subject of this Approval is in breach of legislative requirements – proactive action by the Leaseholder will be taken into consideration when considering any enforcement action.

Survey Marks

- 21 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

- 22 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.

Special Conditions

- 23 The Leaseholder must submit, on a weekly interval, a subsidence impact log to the Mine Subsidence Board and the Principal Subsidence Engineer. The format and its written and graphic presentation of the required log must be developed to the satisfaction of the Principal Subsidence Engineer.