

Attachment 1 Statutory Requirements

This Attachment outlines relevant statutory and guideline requirements and provides the relevant section of the Extraction Plan where the requirements are addressed. This Attachment considers the statutory instruments and guidelines in Table A1-1.

Table A1-1: Relevant Statutory Instruments and Guidelines

Statutory Instrument or Guideline	Attachment 1 Reference
Stage1 Project Approval (05_0117)	Table A1-2
Mining Lease Conditions (ML 1605, ML 1628, ML1715)	Table A1-3

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2: Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment	
Performance Measures – Natural and Heritage Features			
Condition 73, Schedule 3	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 18, to the satisfaction of the Secretary.	This Extraction Plan has been developed to meet the subsidence impact performance measures. Section 1.7, 3.1 and Appendix A and Appendix B Section 1.7, 3.1 and Appendix A. Section 1.7, 3.1 and Appendix B. Section 1.7, 3.1 and Appendix D. Section 1.5, 1.6 and 1.7	
	<i>Table 14: Subsidence Impact Performance Measures</i>		
	Special Features		
	The Drip and Goulburn River Gorge (see Appendix 7)		Nil impact or environmental consequences
	Water Resources		
	Goulburn River and the bed of the Goulburn River (see Appendix 7)		Negligible impact or environmental consequences. Remain outside the zone of recorded subsidence damage for longwall mining.
	Land		
	Cliff Line 3		Minimise subsidence damage
	Heritage Sites		
	Aboriginal heritage sites 264, 282, 283, 286 and 287 (see Appendix 7)		Reduce the likelihood of subsidence damage to low.
	Aboriginal heritage site 280 (see Appendix 7)		Reduce the likelihood of subsidence damage to moderate.
	Historic heritage sites		No greater subsidence impact or environmental consequences than predicted in the EA
Mine Workings			
First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible impact, negligible consequence or negligible loss	To remain long-term stable and non-subsiding		
Second workings	To be carried out only within the longwall mining domains, in accordance with an approved Extraction Plan		

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Notes:

- The locations of the features referred to in Table 14 are shown in Appendix 7.
- The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval.
- Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.
- The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this approval.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Offsets		
Condition 74, Schedule 3	If the Proponent exceeds the performance measures in Table 14 and the Secretary determines that:	Section 4.
	(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or	
	(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;	
then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.		

Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence. Impacts to the Drip cannot be offset and consequently the proponent shall ensure that the project has no impact on the Drip or the water supply to the Drip.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment	
Performance Measures – Built Features			
Condition 75, Schedule 3	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 19, to the satisfaction of the Secretary. <i>Table 19: Subsidence Impact Performance Measures – Built Features</i>	This Extraction Plan has been developed to meet the subsidence impact performance measures. Section 1.7, 3.2 and Appendix E. Section 1.7, 3.2 and Appendix E. Section 1.7, 3.2 and Appendix F	
	Key public infrastructure:		
	Gulgong-Sandy Hollow Railway Line		Always safe and serviceable.
	Wollar-Wellington 330kV Transmission Line		Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.
	Other infrastructure:		
	Roads		Safe, serviceable and repairable unless the owner agrees otherwise in writing.
	Other built features and improvements including fences		Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.
Public Safety			
Public safety	Negligible additional risk		

Notes:

- The locations of the features referred to in Table 15 are shown in Appendix 7.
- The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 74 below).
- Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.
- The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval.
- Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961.
- Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Performance Measures – Built Features (Continued)		
Condition 76, Schedule 3	Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 15 is to be settled by the Secretary, following consultation with the Resources Regulator. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.	This Extraction Plan has been developed to meet the subsidence impact performance measures. Section 1.7, 3.2 and Appendix E
Extraction Plan		
Condition 77, Schedule 3	The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Secretary. Each extraction plan must:	
	(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;	Section 1.2 and Attachment 2.
	(b) be approved by the Secretary before the Proponent carries out any of the second workings covered by the plan;	This Application.
	(c) include detailed plans of existing and proposed first and second workings and any associated surface development;	Section 1.5 and Appendix G.
	(d) include detailed performance indicators for each of the performance measures in Tables 14 and 15;	Section 3 and Appendices A to F.
	(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;	Section 2.1 and Technical Reports 1 to 5.
(f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 14 and 15, and manage or remediate any impacts and/or environmental consequences;	Section 3 and Appendices A to G.	

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 77, Schedule 3 (Cont.)	(g) include a Built Features Management Plan, which has been prepared in consultation with Resources Regulator and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which:	Section 3.2, Attachment 2 and Appendix E.
	<ul style="list-style-type: none"> addresses in appropriate detail all items of key public infrastructure and other public infrastructure and all classes of other built features; 	
	<ul style="list-style-type: none"> has been prepared following appropriate consultation with the owner/s of potentially affected feature/s; 	
	<ul style="list-style-type: none"> recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate all predicted impacts on potentially affected built features in a timely manner; and 	
	<ul style="list-style-type: none"> in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner) and provides for annual auditing of compliance and effectiveness during extraction of longwalls which may impact the infrastructure; 	Section 3.1, Attachment 2 and Appendix A.
	(h) include a Water Management Plan, which has been prepared in consultation with EPA and DPIE Water, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:	
	i. surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;	
	ii. a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability;	
iii. a program to monitor and report groundwater inflows to underground workings;		
iv. a program to predict, manage and monitor impacts on groundwater bores on privately-owned land; and		

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 77, Schedule 3 (Cont.)	(i) include a Biodiversity Management Plan, which has been prepared in consultation with BCD (Now BCS), which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats; endangered ecological communities; and water dependent ecosystems;	Section 3.1, Attachment 2 and Appendix C.
	(j) include a Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general;	Section 3.1, Attachment 2 and Appendix B.
	(k) include a Heritage Management Plan, which has been prepared in consultation with BCD (now heritage NSW) and relevant stakeholders for both Aboriginal and historic heritage, to manage the potential environmental consequences of the proposed second workings on both Aboriginal and non- Aboriginal heritage items, and reflects all requirements under conditions 38-39 of Schedule 3;	Section 3.1, Attachment 2 and Appendix D.
	(l) include a Public Safety Management Plan, which has been prepared in consultation with DRG (now Resources Regulator), to ensure public safety in the mining area;	Section 3.1, Attachment 2 and Appendix F.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 77, Schedule 3 (Cont.)	(m) include a Subsidence Monitoring Program, which has been prepared in consultation with Resources Regulator, to: <ul style="list-style-type: none"> describe the on-going subsidence monitoring program; provide data to assist with the management of the risks associated with subsidence; validate the subsidence predictions; analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and inform the contingency plan and adaptive management process; 	Section 3.4 and Appendix G.
	(n) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 14 and 15, or where any such exceedance appears likely;	Sections 4.1 and 4.2 and Appendices A to F.
	(o) proposes appropriate revisions to the Rehabilitation Management Plan required under condition 68 of Schedule 3; and	Sections 3.3 and 4.5.
	(p) include a program to collect sufficient baseline data for future Extraction Plans.	Attachment 3.

Note: To identify the longwall mining domains referred to in this condition, see Appendix 2.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (05_0117) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 78A, Schedule 3	<p>Prior to the commencement of second workings in longwall LW12, the Proponent shall:</p> <ul style="list-style-type: none"> (a) prepare a report: <ul style="list-style-type: none"> i. analysing the subsidence, surface water, and groundwater impacts of the cumulative progress of longwall mining for the project, including consideration of data collected from the previously mined panels up to and including commencement in longwall LW11; ii. updating the predicted impacts based on the available local data and current scientific understanding of these relevant fields (demonstrating compliance with the requirements of this approval); (b) commission suitably qualified subsidence and groundwater experts whose appointment has been approved by the Secretary to review the report, and if necessary recommend changes to the monitoring programs and/or mine plan for subsequent panels; and (c) submit a copy of the report and expert review to the Department, Resources Regulator, BCD and DPIE Water, including a response to any recommendations contained in the expert review; to the satisfaction of the Secretary. 	Not applicable to this Extraction Plan LW401-408.
Condition 78, Schedule 3	<p>The Proponent shall ensure that the management plans required under conditions 77(g)-(l) above include:</p> <ul style="list-style-type: none"> (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and (b) a detailed description of the measures that would be implemented to remediate predicted impacts. 	Appendices A to F.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-2 (Continued): Project Approval (08_0135) Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
First Workings		
Condition 79, Schedule 3	The Proponent may carry out first workings on site other than in accordance with an approved Extraction Plan, provided that Resources Regulator is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.	Confirmation from the Resources Regulator was provided on 8 July 2019 that the proposed first workings for UG4 satisfied the requirements of Condition 79, Schedule 3 of Project Approval (05_0117).
Payment of Reasonable Costs		
Condition 80, Schedule 3	The Proponent shall pay all reasonable costs incurred by the department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.	If required, MCO will pay all reasonable costs incurred by DPIE to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of the Extraction Plan.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-3: Mining Lease Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Mining Lease 1605 and 1628		
7	<p>Rehabilitation</p> <p>Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.</p>	Section 3.3 and 4.5.
8 (amended)	(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	This Extraction Plan.
	(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.	Section 2.2 and Appendices A to F.
	(d) The lease holder must notify the Secretary within 48 hours of any: <ul style="list-style-type: none"> (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: <ul style="list-style-type: none"> A. built features; B. public safety; or C. subsidence monitoring. 	Section 4.3.
16	<p>Safety</p> <p>Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	Appendix F.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-3 (Continued): Mining Lease Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Mining Lease 1605 and 1628 (Continued)		
18	<p>Prevention of Soil Erosion and Pollution</p> <p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	Appendices A and B.
19	<p>Transmission lines, Communication Lines and Pipelines</p> <p>Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.</p>	Appendix E.
22	<p>Roads and Tracks</p> <p>Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.</p>	Appendices B and E.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley

Table A1-3 (Continued): Mining Lease Requirements Relating to the Extraction Plan

Condition Number	Condition	Document Reference/Comment
Mining Lease 1715		
2	<p>Rehabilitation</p> <p>Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.</p>	Sections 3.3 and 4.5.
6	(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	This Extraction Plan.
	(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.	Section 2.2 and Appendices A to F.
	(d) The lease holder must notify the Secretary within 48 hours of any: <ul style="list-style-type: none"> (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: <ul style="list-style-type: none"> A. built features; B. public safety; or C. subsidence monitoring. 	Section 4.3.

Document	Version	Issue	Effective	Author	Approved
MCO_UG4_LW401-408_EP	1	June 22	July 22	MCO	B. Wesley