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CHAIN VALLEY COLLIERY

Built Features Management Plan

ENVIRONMENTAL MANAGEMENT PLAN

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1 Introduction

1.1 Purpose and Scope

The purpose of this Built Features Management Plan (BFMP) is to outline the process for management of built features within the subsidence affected zone associated with miniwall S5, pillar extraction area in the Northern Mining Area (Northern Pillar Area - NPA) and first workings beneath Morisset Peninsula. The primary objectives of the document are to:

- ensure compliance with SSD-5465 and relevant mining lease conditions and Extraction Plan approvals;
- identify all existing surface and subterranean infrastructure that may be potentially impacted by the secondary extraction of Miniwall S5, NPA pillar extraction and first workings underneath the Morisset Peninsula area;
- outline the process for developing monitoring and management protocols with the respective asset owners;
- describe the review and reporting requirements as well as the relevant frequencies and duration of monitoring and
- allocate roles and responsibilities within the Chain Valley Colliery (CVC) management structure such that all actions emanating from this document have specific task owners.

The scope of this document includes all land and subterranean man-made features that are located within the projected subsidence affected zone associated with above areas.

The timing of this management plan is such that the actions emanating from it shall be initiated prior to the commencement of the appropriate extraction area and will continue for a minimum of 12 months after the completion of extraction.

Data collected under this management plan shall be supplied to all relevant stakeholders and any exceedance of predicted subsidence effects or impacts shall be reported as soon as practicable. Prior to ceasing ongoing monitoring, all captured data is to be assessed for stability and mutual agreement to the cessation of monitoring reached between all relevant stakeholders and DC.

A formal Environmental Management System (EMS) has been developed as a systematic and structured approach to managing environmental issues at the operation. This has been developed in general accordance with the requirements of the international standard ISO 14001.

This BFMP is an element of the DC EMS.

1.2 Background

CVC is an underground coal mine located on the southern side of Lake Macquarie approximately 60 km south of Newcastle and 80 km north of Sydney (see Figure 1). The pit-top is located approximately 1 km south-east of the township of Mannering Park at the southern extent of Lake Macquarie.

In August 1960, J&A Brown and Abermain Seaham Collieries Ltd commenced clearing the present site with drift and shaft sinking starting a few months later. Production of coal from the Wallarah Seam, commenced with the first delivery to the adjacent Delta Electricity's Vales Point Power Station (VPPS) in April 1963.

Great Southern Energy Pty Ltd (trading as Delta Coal) took over as owner and operator of CVC and as operator of MC on 1 April 2019.

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Mining is currently undertaken at CVC, with the coal being transported underground to MC where the coal is crushed and screened and sent directly to VPPS.

2 Statutory Requirements

2.1 Key Legislation, Policy and Guidelines

Both State and Commonwealth environmental legislation applies to DC's operation and activities. A number of legislative requirements, government policies and guidelines are applicable. Key items relevant to this management plan are:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- *Protection of the Environment Operations Act 1997* (POEO Act);
- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *Mining Act 1992*;
- *National Parks and Wildlife Act 1974*;
- *Biodiversity Conservation Act 2016*;
- Department of Primary Industries (2013), *Policy and guidelines for fish habitat conservation and management*; and
- ANZECC 2000, *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*.

Delta lands are within the LMCC and Central Coast Council local government areas (LGAs).

2.2 Development Consent SSD-5465 Requirements

This BFMP has also been completed to satisfy the requirement of Condition 7(g), Schedule 4 of Development Consent SSD-5465 (Modification 3).

Built features related requirements of SSD-5465, including specific requirements that are to be addressed in this plan, and where they are addressed, are detailed in **Appendix 2**.

Condition No.	Requirement	Relevant section of this document
	Schedule 4 Environmental Conditions – Underground Mining	
7(g)	include a Built Features Management Plan, which has been prepared in consultation with RR and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which;	This BFMP plan Section 2.3
	addresses in appropriate detail all items of public infrastructure and all classes of other built features;	Section 3
	• has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;	Section 2.3
	• 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	Section 6

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2.3 Consultation

The BFMP is required to be prepared in consultation with the Resources Regulator (RR) and the owners of the affected public infrastructure to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings as per Schedule 4 (Specific Environmental Conditions) condition 7 (g). A draft for comment copy of the BFMP was provided to Delta Coal employees with roles and responsibilities under the BFMP on the 8 September 2020. A draft for comment copy of the BFMP including updates for miniwall S5 and the northern mining pillar extraction area was provided to DPIE, RR, Lake Macquarie City Council (LMCC), Central Coast Council (CC Council), Subsidence Advisory NSW (SA), combined CVC and MC CCC, Roads and Maritime Services (TfNSW) on 16 December 2020. An update with consultation from these stakeholders was uploaded onto the Planning Portal on 18 January 2020. Comments were received from DPIE and updated in March 2020. This management plan is an Appendix to the CVC Miniwall S5 and NPA Extraction Plan. Evidence of consultation is provided in **Appendix 1**.

TfNSW who are the managers of the Pelican Rock navigational marker and other navigational markers, have been previously consulted on the development of the S2/S3 and S4 Built Features management plans and have provided guidance on the serviceability limits of the marker. Lake Macquarie Marine Rescue were originally consulted on the Pelican Rock Navigational Marker.

All DC workers affected by the requirements of this management plan shall have access to a copy of this document and associated documents via the workplace document control system for review purposes.

MC and CVC have a combined Community Consultation Committee (CCC) made up of various members from the surrounding communities. The planned development of the miniwalls S2, S3, S4, S5 and northern pillar area and the predicted subsidence effects and impacts were discussed during the 2020 quarterly CCC meetings.

The resultant monitoring and inspection report prior, during and subsequent to the miniwalls S2, S3, S4, S5 and NPA development will continue to be presented and discussed at future CCC meetings. In the event of an unexpected subsidence impact and/or an exceedance of predicted subsidence effects or impacts, the CCC members will be notified as soon as practicable.

Closer to the mining being undertaken home owners along the shoreline will receive a letter detailing the current mining operations and proposed foreshore subsidence monitoring and most owners, where house are inhabited, have been previously been amenable to allowing access to their property to conduct this monitoring.

Table 1: Consultation Summary

Stakeholder	Comments	Response / Action
DPIE-Resource Assessments	<ul style="list-style-type: none"> Request for information (RFI) provided on 5 March 2020. See attached DPIE RFI letter and attachment (Appendix 1). 	<ul style="list-style-type: none"> Section 2.3 updated See tracked changed document provided on planning portal for updated consent references and mining panel numbering
Resource Regulator	<ul style="list-style-type: none"> See Appendix 1 for consultation Applicability for High Risk Activity and clause 67 for secondary extraction 	<ul style="list-style-type: none"> See Appendix 1 for High Risk Activity Management Report submission
LMCC	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
Subsidence Advisory	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Nil
TfNSW – Maritime	See Appendix 1 for consultation <ul style="list-style-type: none"> 1-Notification requirements for construction 2 Vessel safety requirements 3 Vessel safety requirements 4 Notification/Action requirements 	<ul style="list-style-type: none"> Plan updated for comments and consultation included in Appendix 1 Site survey personnel notified of TfNSW -Maritime vessel requirements See Section 7.3 for updated notification requirements

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3 Built Features Management

3.1 Identification

A surface field mapping exercise has been undertaken by DC above the S5 Miniwalls and Northern Pillar Area extraction and Morisset Peninsula with the intent of identifying surface-built features which could be potentially affected by the completion of secondary extraction. The following sections list the identified built features as well as a description of each.

3.2 Navigational Markers



Figure 2: Navigational Markers on Lake Macquarie

The Pelican Rock Navigational Marker NLM045 (Isolated Danger) is located above Tailgate S2 (TGS2) (Figure 2).

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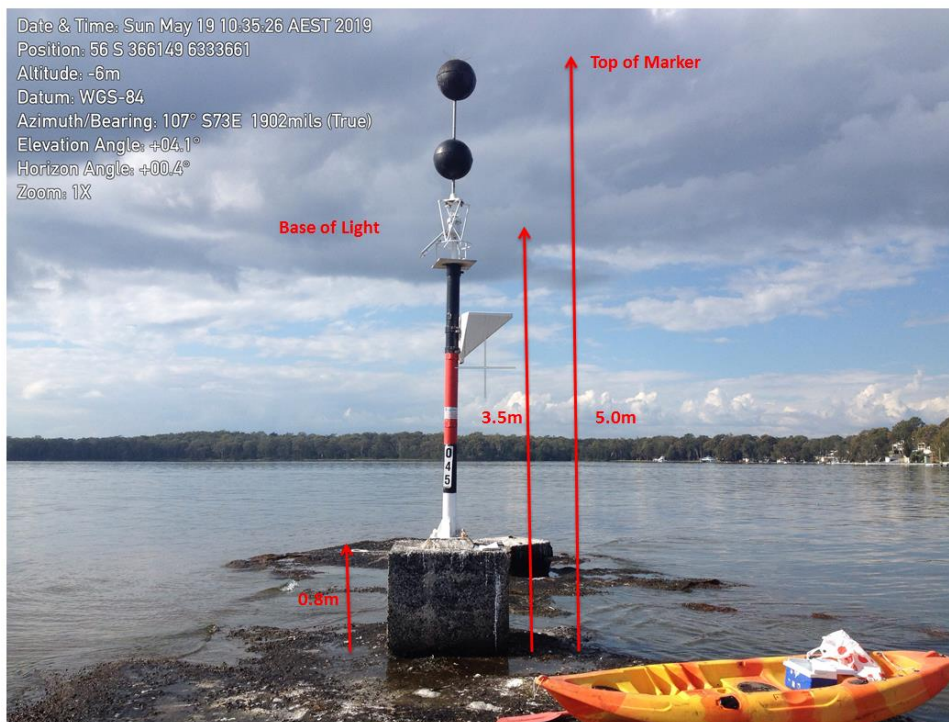


Figure 3: Pelican Rock Isolated danger Navigational Marker NLM045

The navigational marker on Pelican Rock falls into the category of 'Other buoys and signs – Isolated danger' (Figure 5)

The Isolated Danger beacon indicates specific dangers with generally safe waters all around (e.g. a wreck). It is advised to sailors to pass them on any side but not to pass too close. If lit, it shows a white light flashing in groups of two (RMS, 2019). There is a lit isolated danger beacon (NLM062) on the rock/point south of Sugar Bay

There are 2 navigational markers (NLM063) and (NLM064) off Morisset East Peninsula within SSD5465 project area that fall into the category of 'Cardinal Marks' (see Figure 6). Cardinal Marks take their name from the compass quadrant in which they are placed and indicate the safe side of a danger on which to pass, eg north of the north mark, (RMS, 2020).

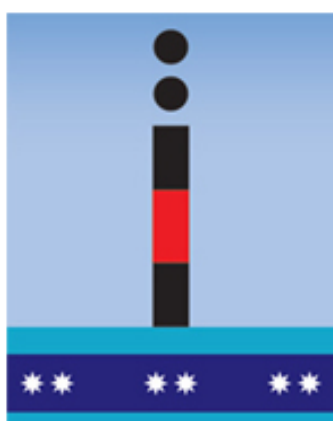


Figure 5: Other Buoys and Signs – Isolated Danger

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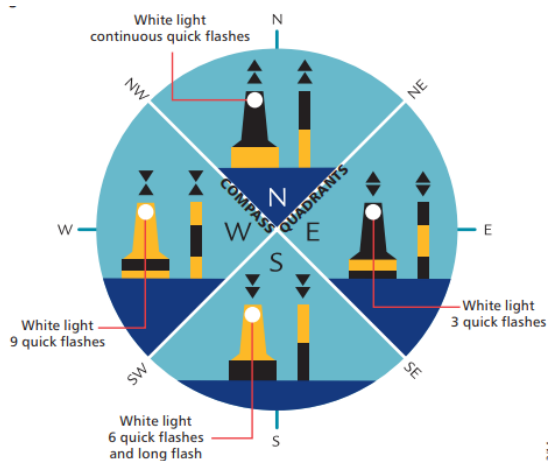


Figure 6: Cardinal Marker

3.3 Houses and other structures along the Summerland Point Foreshore and Morisset Peninsula Foreshore

Many of the built features along the foreshores can be seen in Figure 7 (photo) and Figure 8. These include houses, other associated structures, jetties, moorings, roads and services. There are workings adjacent in the stratigraphically overlying Wallarah seam as shown in Figure 9 and adjacent Myuna Colliery Fassifern workings.

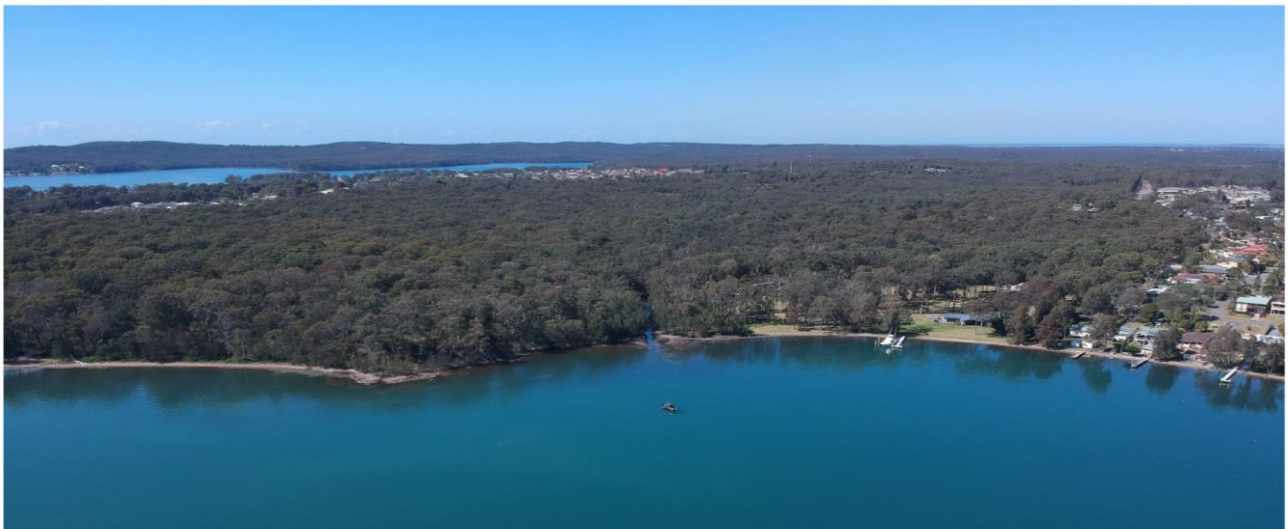


Figure 7: Aerial Photography of the Built Features along the Foreshore adjacent to MWS5

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Figure 8: Aerial Photography of the Built Features along the Foreshore at Fishery Point, Morisset Peninsula

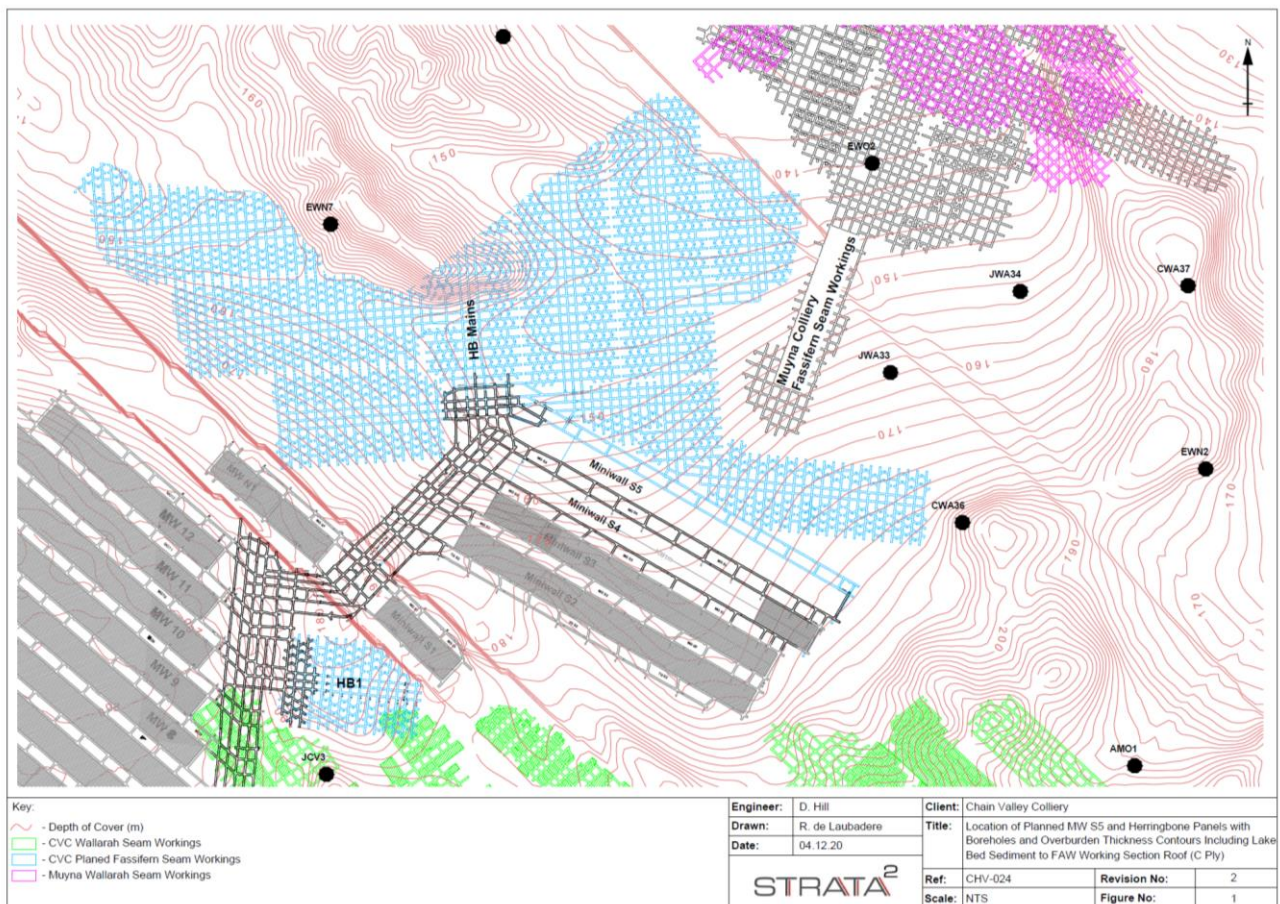


Figure 9: Overlying Wallarah workings and Myuna workings (Wallarrah and Fassifern seams)

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4 Subsidence Predictions and Management Procedures

4.1 Subsidence Predictions

Subsidence effect predictions have been undertaken for Miniwalls S5, NMA and Morisset Peninsula by Strata 2 Ground Control Consulting. (Strata2, 2019). A site-specific geotechnical model has been developed by Strata2, taking into consideration the design of the mining geometries, a review of previous subsidence performances, and an assessment of pillar behaviour as well as roof and floor stability in the Fassifern Seam workings.

These predicted subsidence effects have then be used in conjunction with the location of the identified surface built features to predict the subsidence effects at each identified feature.

4.1.1 Navigational Markers

The predicted vertical subsidence for the Pelican rock navigational marker (NLM045) due to MWS2, MWS3, MWS4 and MWS5 is 155 mm and tilt values <4 mm/m. The predicted subsidence has been provided to TfNSW- Maritime and the resources regulator. Subsidence monitoring and management strategies have been developed for the marker. TfNSW-Maritime serviceability criteria of the Pelican Rock Navigational marker (NLM045) and Sugar Bay Rock Navigational marker are <500 mm vertical subsidence and <5 degrees tilt. At the time of this document review both S2 and S3 miniwalls have been extracted with 30mm change in height measured with no change in tilt from vertical (0 degrees).

Navigational Marker	Vertical Subsidence Predictions	Tilt predictions
Pelican Rock (NLM045)	<ul style="list-style-type: none">155mm	<ul style="list-style-type: none"><4mm/m
Sugar Bay Rock (NLM062)	<ul style="list-style-type: none">< 20mm	<ul style="list-style-type: none">N/A
Fishery Point (NLM063)	<ul style="list-style-type: none"><20mm	<ul style="list-style-type: none">N/A
Casuarina Point (NLM064)	<ul style="list-style-type: none"><20mm	<ul style="list-style-type: none">N/A

NSW Maritime acknowledged that the 4mm/m tilt on NLM045 is less than 0.25 degrees and using this same criteria for NLM062 the 20mm movement and 0 tilt is also acceptable. The NLM063 and NLM064 are buoys so the tide has more impact on the aid to navigation height than the mining with the effect on the chain length and <20mm vertical subsidence is almost undetectable. Therefore, the subsidence values for these features were deemed acceptable by TfNSW-Maritime.

4.1.1 Houses and other structures along the Summerland Point and Morisset East Peninsula Foreshores

The predicted vertical subsidence at the mapped sea grass beds, and hence at the lake foreshore is less than 20 mm. It is unlikely, therefore that there would be adverse impacts on the surface features located above the sea grass beds (i.e. jetties and moorings) or along the lake foreshore, including houses, other associated structures, roads and services.

The state survey control marks located near MWS2, MWS3, MWS4 and MWS5 could experience low-level horizontal movements. NSW Spatial services will be notified so that the affected state survey marks can be managed and re-established after the active subsidence, as required.

4.2 Subsidence Management

Subsidence management is mainly controlled via the geotechnical assessment, mine design and subsidence predictions and impact assessment process. There are no built features located directly above S5 miniwall

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panel and the Northern Mining Area Pillar Extraction Area with adequate subsidence barriers in place for the identified nearby built features. There is a Subsidence Management Trigger Action Response Plan (TARP) which details Monitoring triggers, actions and adaptive management responses.

5 Subsidence Monitoring

DC survey department utilise a number of different subsidence monitoring methods including bathymetric surveys, terrestrial land based surveys, remote sensing (LiDAR) and visual inspections. Subsidence monitoring areas, survey types and frequencies are outlined in the MWS5 and NMA Pillar Extraction Subsidence Monitoring Program.

6 Subsidence Remediation

Subsidence remediation is outlined in the Delta Coal Rehabilitation Management Plan. As per Table 7 in the CVC consent DC commits to mitigating, monitoring, repairing to pre-mining condition at full cost or equivalent unless the owner agrees otherwise or the damage is fully restored, repaired or compensated under the Coal Mine Subsidence Compensation Act 2017 features which are damaged by mining operations. The timely repair is also required from a public safety aspect. This is detailed further in the CVC Public Safety Management Plan.

7 Reporting

7.1 Regular Reporting

In accordance with Schedule 6, Condition 8, the Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of the development consent.

The subsidence monitoring results will be reviewed as survey reports are received to confirm compliance/non-compliance with the applicable conditions specified in the development consent and above in Section 5 and the applicable stakeholders will be notified.

7.2 Annual Review

In accordance with Schedule 6, Condition 4, the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary, by the end of March each year, or other timing as may be agreed by the Secretary.

The Annual Review will also include a summary of monitoring results during the past year, discussion with reference to the impact assessment criteria, and any relevant details related to comparisons between actual results and predictions in the Environmental Impact Statement. The Annual Review will be forwarded to the relevant authorities including DPIE, and EPA. The Annual Review will also be forwarded to members of the Community Consultative Committee (CCC) and local Councils (Central Coast and Lake Macquarie). It will also be placed on the company's website along with a summary of environmental monitoring results.

7.3 Incident or Non-Compliance Notifications and Reporting

If there is a built features incident as a direct result of CVC operations, DC must immediately notify DPIE and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident. If subsidence monitoring detects an exceedance as per Section 4.1.1. criteria to the navigational markers, TfNSW-Maritime should be notified immediately.

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Within seven days of becoming aware of a non-compliance, the DC must notify DPIE of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of the consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

The investigation into the incident/non-compliance will consider any activities, plant operations or other factors that may have caused or contributed. The investigation will consider any activities or other factors that may have generated the non-compliance.

The report will:

- describe the date, time and nature of the exceedance / incident;
- identify the cause (or likely cause) of the exceedance / incident;
- describe what action has been taken to date; and
- describe the proposed actions to address the exceedance / incident

DC will implement the recommendations of the investigation in order to minimise the potential for any similar future incident or non-compliance. Additional details of the incident reporting process are provided in the DC Environmental Management Strategy.

8 Stakeholder Management, Response and Training

8.1 Complaint Protocol

DC has a 24-hour telephone hotline (1800 115 277) through which members of the public can lodge complaints, concerns, or to raise issues associated with the operation. This service aims to promptly and effectively address community concerns and environmental matters.

All complaints are recorded and responded to and if, for some reason, no action is taken then the reason why is recorded. The information recorded in the complaint register includes:

- date and time the complaint was lodged;
- personal details provided by the complainant;
- nature of the complaint;
- action taken or, if no action was taken, the reason why; and
- follow up contact with the complainant.

8.2 Independent Review

As detailed in Condition 2, Schedule 5 of SSD-5465, an Independent Review can be requested by a landowner who “*considers the development to be exceeding the relevant criteria in Schedule 3*”.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary’s decision the Applicant shall:

- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:*
 - *consult with the landowner to determine his/her concerns;*
 - *conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and*
 - *if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and*
- give the Secretary and landowner a copy of the independent review.*

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8.3 Dispute Resolution

If any disputes are not adequately addressed by the complaints handling process then they will be handled by the Environmental Compliance Coordinator. If the response of CVC is not considered to satisfactorily address the concern of the complainant, a meeting may be convened with the complainant, Mine Manager together with the Environment and Community Coordinator to determine any further options to reduce potential impacts.

Any actions agreed from the meeting will be implemented by CVC. After implementation of the proposed actions the complainant will be contacted and advice sought as to the satisfaction or otherwise with the measures taken.

If no agreed outcome is determined or the complainant is still not satisfied by the action taken, then an Independent Review may be requested by the complainant. If determined to be warranted by the Secretary, an independent review will be undertaken in accordance with the process identified in Schedule 5 of SSD-5465.

8.4 Training, Awareness and Competence

Training is an essential component of the implementation phase of this BFMP. The Environmental Compliance Coordinator will ensure that training and awareness processes are implemented to manage, identify and minimise potential impacts of CVC and to ensure personnel are aware of their roles and responsibilities in terms of built features management.

Generally training at CVC consists of induction training for new starters and contractors along with environmental awareness training at two-year intervals and ongoing “toolbox” training for all permanent employees as required.

As the document owner, the Approvals Coordinator is the contact point for any person that does not understand this document or their specific requirements, and will provide guidance and training to any person that requires additional training regarding this BFMP.

9 Audit and Review

9.1 Review and Improvement

This document shall be reviewed, and if necessary revised, within 3 months of the following:

- the submission of an Annual Review;
- the submission of an incident report;
- the submission of an independent environmental audit; and
- following any modification to the development consent.

As outlined in **Section 7.2**, the Annual Review will include a review of the seasonal monitoring program and mine plans to ensure that any reference sites that have been impacted by mining reclassified as impacted impact sites, and replacement reference sites identified and sampled. Survey methods will be reviewed every two years to refine the sampling program if required. Improvements identified during reviews or audits will be incorporated into the BFMP.

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9.2 Auditing

Where required, audits shall be carried out by personnel who have the necessary qualifications and experience to make an objective assessment of the issues. The extent of the audit, although pre-determined, may be extended if a potentially serious deviation from this document is detected.

DC has an external independent Environmental Audit every three years. Due to the timing and relatively small geometry of the miniwall panels, a review of the finalised document will not be required as mining will have been completed within a year from authoring.

10 Records and Document Control

10.1 Records

Generally, the Environment and Community Coordinator will maintain all Environmental Management System records which are not of a confidential nature. Records that will be maintained include:

- monitoring data;
- environmental inspections and auditing results;
- environmental incident reports;
- the complaints register; and
- licences and permits.

All records will be stored so that they are legible, readily retrievable and protected against damage, deterioration and loss. Records will be maintained for a minimum of 4 years or as otherwise required under any legislation, licence, lease, permit or approval.

10.2 Document Control

This document and all others associated with the Environmental Management System shall be maintained in a document control system which is in compliance with the site Document Control Standard which is available to all site personnel. Any proposed change to this document will be via the Environment and Community Coordinator. A copy of this document is available on the DC website. Document revision details are provided in **Table 2**.

Table 2: Document Revision Details

Version	Date	Details of Revision	Company	Reviewed by/ Authorised by
0	16/12/2020	Draft Prepared using S4 BFMP as a base document including proposed S5 and NMA pillar extraction workings. Review following SSD5465 Modification 3 approval.	Delta Coal	Chris Armit
0.1	18/01/2021	Plan including stakeholder consultation (DPIE comments not yet received)	Delta Coal	Chris Armit

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Version	Date	Details of Revision	Company	Reviewed by/ Authorised by
0.2	19/03/2021	Plan including DPIE consultation	Delta Coal	Chris Armit

11 Roles and Responsibilities

All employees and contractors at CVC are responsible for environmental management. However, various positions in the organisation have roles, responsibilities and authorities for managing environmental aspects, action plans, programs and controls.

Roles and responsibilities specific to completing the requirements of this plan are identified in **Table 3**.

Table 3: Built Features Management Plan Roles and Responsibilities

Role	Responsibilities
Manager of Mining Engineering (Mine Manager)	<ul style="list-style-type: none"> Ensure that adequate financial and personnel resources are made available for the implementation of the BFMP. Maintain overall responsibility for environmental compliance with Mining Lease, EPL, development consent and other mining approvals as they pertain to the management of built features Ensure that adequate training is provided to staff to minimise impacts to built features.
Technical Services Manager	<ul style="list-style-type: none"> Oversee the implementation of the BFMP for applicable areas
Mine Surveyor	<ul style="list-style-type: none"> Identify all built features within the S5 miniwall and NPA Pillar extraction footprint Ensure that all survey monitoring is conducted and reported appropriately to stakeholders Report triggers and monitoring to applicable stakeholders Conduct pre and post mining inspections
Environment Compliance Coordinator or delegate	<ul style="list-style-type: none"> Write the BFMP in consultation with relevant government agencies and stakeholders Undertake reviews of this document Undertake or coordinate the required audits of this document Develop management actions in consultation with regulatory agencies as/if required from the monitoring results Compile the Annual Review (including a summary of the built features monitoring) Conduct pre and post mining inspections Report triggers and monitoring to applicable stakeholders Organise remediation if required Notify relevant agencies if there are any exceedances in impact thresholds Ensure complaint handling and response is undertaken
All employees and contractors	<ul style="list-style-type: none"> Comply with the requirements of this BFMP. Immediately notify Environment Compliance Coordinator of possible incident.

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12 References

Documents referenced in the preparation of the BFMP are detailed in **Table 4**.

Table 4: References

Reference	Title
Australian Standards	<p>AS/NZS ISO 14001:2004, <i>Environmental management systems – Requirements with guidance for use</i></p> <p>AS/NZS ISO 14004:2004, <i>Environmental management systems – General guidelines on principles, systems and support techniques</i></p> <p>ANZECC 2000, <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i></p>
Government Department	<p>Roads and Maritime Services, 2019. https://www.rms.nsw.gov.au/maritime/safety-rules/rules-regulations/navigation-marks-and-signs.html</p> <p>SSD-5465 Development Consent SSD-5465 (Modification 2), 16 December 2015</p> <p>NSW EPA Environment Protection Licence: EPL 1770, 2 April 2019</p>
Delta Coal documents	<p>EMS Environmental Management Strategy</p> <p>Public Safety Management Plan</p> <p>Rehabilitation Management Plan</p>
External documents	<p>Strata Ground Control Consulting, 2019. <i>S4 Panel: Geotechnical Environment, Subsidence Estimates and Impacts</i>, prepared for Delta Coal Chain Valley Colliery</p>

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13 Definitions

BCD Biodiversity Conservation Division

Built Features Any building or work erected or constructed on land or water, and includes dwellings and infrastructure such as any formed road, street, path, walk, marina or driveway; any pipeline, water, sewer, telephone, gas or other service main

CVC Chain Valley Colliery

DA Development approval

DC Delta Coal

DP&E Department of Planning & Environment (former)

DPIE Department of Planning, Industry and Environment

DPI Fisheries Department of Primary Industries – Fisheries NSW

EMS Environment Management System

EPA NSW Environment Protection Authority

EPL Environmental Protection License

EP&A Act *Environmental Planning and Assessment Act 1979*

LMCC Lake Macquarie City Council

MC Mannering Colliery

POEO Act *Protection of the Environment Operations Act 1997*

ROM Run-of-mine

RR Resource Regulator

Planning Secretary Planning Secretary of the Department of Planning and Environment, or nominee

SSD-5465 Development Consent SSD-5465 (for the Chain Valley Colliery Mining Extension 1 Project)

SA NSW Subsidence Advisory NSW

TARP Trigger Action Response Plan

TfNSW Transport for New South Wales

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Appendix 1: Consultation

TfNSW Consultation

From: Lynda Hourigan **On Behalf Of** Navigation Advice North

Sent: Monday, 1 February 2021 1:18 PM

To: Kumar Kuruppu <Kumar.Kuruppu2@transport.nsw.gov.au>; Navigation Advice North <navigationadvicenorth@rms.nsw.gov.au>

Cc: Mike Baldwin <Mike.Baldwin@transport.nsw.gov.au>; Brett Boehm <Brett.Boehm@transport.nsw.gov.au>; Chris Austen

<Chris.Austen@transport.nsw.gov.au>; Peter Browne <Peter.Browne@transport.nsw.gov.au>; Nicole Waller

<Nicole.Waller@transport.nsw.gov.au>; Lun Yeung <lun.yeung@transport.nsw.gov.au>; Sonia McKay <Sonia.McKay@transport.nsw.gov.au>;

Nathan Koch <Nathan.Koch@transport.nsw.gov.au>

Subject: RE: Major Projects – Proponent Request for Advice - Chain Valley Extension Project- SSD-5465 - CVC Built Features Management Plan (SSD-5465-PA-38) (Central Coast, Lake Macquarie City)

Hello Kumar

Thank you for your email requesting TfNSW Maritime's comment on the CVC Built Features Management Plan below.

Transport for NSW (TfNSW) Maritime is responsible for the ongoing maintenance of safe navigation throughout NSW under the Marine Safety Act 1998. As such, proposals like this are reviewed to ensure that any disruption to navigation for vessels is minimised as much as is practical.

The project documentation provided has been assessed as having minimal impact on the safety of navigation to vessels operating in this area and Maritime has no objections to the proposed works.

TfNSW Maritime advises the following matters need to be considered and addressed when preparing the REF and / or the Scope of Works for the Chain Valley Extension Project:

1. Any works impacting on navigation during the construction phase must seek TfNSW Maritime support 21 days prior to works commencing. A full scope of works including dates is to be provided to navigationadvicenorth@rms.nsw.gov.au.
2. All associated work boats to comply with the relevant NSW Marine Legislation for survey, registration and safety equipment, and comply with the Marine Safety (Domestic Commercial Vessels) National Law Act 2012.
3. Vessels must exhibit lights and shapes in accordance with International Regulations for Preventing Collisions at Sea.
4. *"That If the subsidence was >500mm or the pylon ends up with more than 5° of lean on it, then there would need to be action taken."* and NSW Maritime is to be notified immediately.
5. For pelican rock NLM045, please confirm if this is an additional 155mm vertical subsidence to the 130mm already predicted for the mining of Miniwall S2-S4. NSW Maritime is seeking confirmation that the vertical subsidence is still within the limits allowing the project to go ahead without any action needed to be taken on NLM045.
6. NSW Maritime acknowledges that the 4mm/m tilt on NLM045 is less than 0.25 degrees so this is not an issue and using this same criteria for NLM062 the 20mm movement and 0 tilt is also acceptable.
7. NSW Maritime notes that NLM063 and NLM064 are both buoys so the tide has more impact on the Aid to Navigation height than the mining with the effect on the chain length and scope being almost undetectable. Therefore the subsidence values for these are also acceptable.

Subsequently, NSW Maritime advises that "There is no action required for these 4 navigation aids for the predicted subsidence and tilts and no further action required unless the subsidence and tilt exceed the values that have previously stipulated"

For more information, please direct all correspondence to navigationadvicenorth@rms.nsw.gov.au.

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Kind regards

Lynda Hourigan

Project Officer North Maritime Greater Sydney Transport for NSW M 0409 483 676 PO Box 426 BALLINA NSW 2478

Resource Regulator Consultation

CA

Chris Armit
Resources Regulator; gang.li@planning.nsw.gov.au; alexander.tutt-branco@planning.nsw.gov.au; dan.adams@planning.nsw.gov.au; Melissa Anderson; Chris Nicholas; Tim Chisholm

01/01/2021

RE: AREQ0014285 | Chain Valley Colliery | Action required | 14 Dec 2020 12:20:01

Hi Ray,

Thanks for your email re: BFMP. To answer your question, yes, we are currently seeking approval under a modification application (CVC MOD 4) to mine under the greater Morisset Peninsula.

However, Chain Valley Colliery already has approval under SSD 5465 to mine under a smaller section of Morisset Peninsula (see below Appendix 3 from SSD5465 – I’ve added a red box to outline the location of consent approval area.

Mining under Fishery Point has been referenced in the last MOP approval letter and is included in the current approved MOP plans (cc’ed Dan and Melissa, if you wish to consult with them on MOP/Consent approval from an internal regulator perspective).

The BFMP scope has been outlined in the draft for comment doc (see below excerpt). I’m compelled by the consent as part of the extraction plan application process to have a BFMP for secondary extraction (i.e. MWSS and NMA Pillar extraction) but thought it good practice to include the first workings area under the Peninsula to get some buy in from the Resource Regulator given existing built features. If you don’t deem this approach necessary, happy to remove mention of it from this BFMP. Let me know if you have any comments on the draft BFMP and can make appropriate amendments if necessary.

Cheers,
Chris

**APPENDIX 3
DEVELOPMENT LAYOUT**



1 Introduction

1.1 Purpose and Scope

The purpose of this Built Features Management Plan (BFMP) is to outline the process for management of built features within the subsidence affected zone associated with miniwall S5, pillar extraction area in the Northern Mining Area and first workings beneath Morisset Peninsula. The primary objectives of the document are to:

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RE: Chain Valley Colliery – S2 and S3 Minewall Extraction Plan submission and notification of change to mining using continuous miner mining methods in the Northern Mining Area (NMA)

You replied to this message on 27/03/2019 11:33 AM

Action Items

Chris,

We will only provide formal comment on the Extraction Plan on request from DPE Resource Assessments, i.e. Howard and Colin's team. Please consult with them as to whether they require our formal input.

Additionally, our role is to regulate mining activities under WHS laws as they relate to subsidence. In particular, I would like to draw your attention to the requirements for inclusion of information relating to how risks to health and safety due to subsidence will be managed in the High Risk Activity Notification for secondary extraction as well as Clause 67 of the West Coast Safety Mines & Petroleum Sites Regulation which describes specific control measures relating to subsidence.


Safety related matters covered in the Extraction Plan should be consistent with the relevant provisions WHS laws in general, in particular the provisions for High Risk Activity Notifications and Clause 67 should be considered.

Should you have any questions on the above we can discuss these during my site visit on 8 April.


Regards
Ray Ramage
Affairs Inspector - Subsidence
Resources Regulator
Bentley Drive | Thebarton NSW 2022
PO Box 343 HMAS NSW 2203
T 02 4802 4440 M 042 2551 2551
E r.ramage@resources.nsw.gov.au W www.resourcesregulator.nsw.gov.au

Please update your address books to reflect my new mail address, phone number and @ramming.address.

I subscribe to our [newsletter](#).



Committed to safety and environmental rehabilitation
Click through to view our compliance priorities



I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: Chris Amel <camel@alancel.com.au>
Sent: Tuesday, 26 March 2019 4:54 PM
To: Ray Ramage <r.ramage@planning.nsw.gov.au>; Phil Stewart <p.stewart@planning.nsw.gov.au>
Cc: Tim Chisholm <tchisholm@alancel.com.au>; Ben Smith <bsmith@alancel.com.au>
Subject: RE: Chain Valley Colliery – S2 and S3 Minewall Extraction Plan submission and notification of change to mining using continuous miner mining methods in the Northern Mining Area (NMA)

Hi Phil and Ray,
Please find attached the EP and Subsidence Monitoring Program for S2/S3.
Regards,
Chris

From: Chris Amel
Sent: Wednesday, 6 March 2019 6:56 PM
To: Howard.Ramage@planning.nsw.gov.au; Colin Phillips
Cc: Gary Cambourne; Ben Smith; Dave McLean; Flood, Justin; Anthony Barnes
Subject: Chain Valley Colliery – S2 and S3 Minewall Extraction Plan submission and notification of change to mining using continuous miner mining methods in the Northern Mining Area (NMA)

Dear Howard and Colin,

Please find attached a letter of submission for Chain Valley Colliery – S2 and S3 Minewall Extraction Plan and notification of change to mining using continuous miner mining methods in the Northern Mining Area (NMA).

I have attached the main S2/S3 Extraction Plan document and will upload the appendices on a file transfer site for you to access.

10/03/2021

Form - Regulator Portal

SHRA



SHRA0001457

HRA

Number

SHRA0001457

Location

Chain Valley Colliery

Operator

Great Southern Energy Pty Ltd (Mine Operator - Chain Valley Colliery)

Short description

secondary extraction by longwall mining, shortwall mining or miniwall mining | Chain Valley Colliery

Description

Proposed location:
 Miniwall Panel labelled "Miniwall 55" as referenced in the attached document "High Risk Activity Management Report, Miniwall 55" and attached engineering plans
 Hazards identified:
 Addressed in the attached document - RA 00388 High Risk Activity Risk Assessment for Miniwall 55 Extraction. Nil

Outcome description

Reviewed by Senior Mine Safety officer and deemed adequate.
 Mine Subsidence have completed assessment under AREQ0014560.

Outcome

Adequate

Outcome by

Brian Cullen

Outcome date

08 Feb 2021

Admin

* Object date

https://www.sourceregulator.service-now.com/regulator?sys_id=63920620db152410678b0d159619e1&view=sp&list-form&table=x_nswd5_acces_hra 1/2

10/03/2021

Form - Regulator Portal

22 Dec 2020 16:30:53

* Received date

22 Dec 2020 16:30:53

Notifier

Tim Chisholm

Notification Details

Proposed commencement date

23 Mar 2021

☐ Request reduced waiting period

Nature

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Chris Armit
Approvals Coordinator
Chain Valley Colliery
Off Construction Rd (Off Ruttleys Rd)
MANNERING PARK, NSW, 2259

05/03/2021

Dear Mr Armit

**Chain Valley Colliery
Extraction Plan – Miniwall S5 and Northern Pillar Area**

I refer to the Extraction Plan dated January 2021 for Miniwall S5 and the Northern Pillar Area (NPA) at the Chain Valley Colliery, submitted in accordance with condition 7 of Schedule 4 of the Chain Valley Extension Project development consent (SSD 5465).

The Department has reviewed the Extraction Plan and identified several clarifications and minor matters that must be addressed by way of improvements to various parts of the Extraction Plan and its sub-plans (see Attachment A). The Department is satisfied that these matters can be addressed in a timely manner and would not materially change the ability of Delta Coal to effectively manage subsidence impacts.

In summary, the revised Extraction Plan should:

- include the detailed plans of existing and proposed first and second workings that clearly indicate the High Water Mark Subsidence Barrier (Plan 2) and show that all areas of proposed extraction are outside of the Seagrass Protection Barrier;
- where necessary refer to the proposed extraction of Miniwall S5 and the NPA, not previously extracted miniwalls;
- include detailed performance indicators and contingencies for Threatened Species or Endangered Populations, as required by Table 6 of the conditions of consent;
- include timeframes for the implementation of contingency measures set out in the Subsidence Management TARP;
- include evidence of further consultation, including specific details of the comments received from agencies and the actions taken in response to those comments; and
- align with the current consolidated conditions of consents, including alignment with the timing of document reviews and revisions.

The attached comments on the Extraction Plan and its sub-plans must be addressed to the satisfaction of the Secretary prior to the Department granting its final approval of the Extraction Plan. As noted above, the Department believes that they can be readily addressed in a timely manner. It would be appreciated if Delta Coal provides an electronic copy of the revised document, with tracked changes, allowing for a more expedient review.

If you require any more information, please contact James McDonough on 9585 6313.

Yours sincerely

DPIE Request for Information Letter - Response Summary Table

DPIE Review	Response
include the detailed plans of existing and proposed first and second workings that clearly indicate the High Water Mark Subsidence Barrier (Plan 2) and show that all areas of proposed extraction are outside of the Seagrass Protection Barrier	Plan 2 updated to include clear indication of the High Water Subsidence Barrier. All secondary workings extraction areas are located outside of Seagrass Protection Barrier.
where necessary refer to the proposed extraction of Miniwall S5 and the NPA, not previously extracted miniwalls	Document updated for legacy miniwall naming (see tracked changes)

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include detailed performance indicators and contingencies for Threatened Species or Endangered Populations, as required by Table 6 of the conditions of consent	Subsidence Management TARP updated to include Threatened Species or Endangered Populations
include timeframes for the implementation of contingency measures set out in the Subsidence Management TARP	Incident and non-compliance reporting timeframes included. Timeframes of contingency measures implementation added to the Subsidence Management TARP
include evidence of further consultation, including specific details of the comments received from agencies and the actions taken in response to those comments	See updates in section 2.5 Table 1 and Appendix 1 which includes specific stakeholder comment details and communications.
align with the current consolidated conditions of consents, including alignment with the timing of document reviews and revisions	Consent references updated to changes in SSD5465 Modification 3 numbering and conditions.
It would be appreciated if Delta Coal provides an electronic copy of the revised document, with tracked changes, allowing for a more expedient review	A Microsoft Word document has been provided with tracked changes included at the start of the document change process. Plan 2 amendment and Subsidence Management TARP were not able to be tracked changed as they were drafted in software without the tracked changes option.

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Appendix 2: Development Consent Summary

Chain Valley Colliery Development Consent SSD-5465 Summary

Table A2 outlines the consent requirements of the BFMP and where this document addresses these requirements.

Table A2: Requirements from Chain Valley Colliery Development consent SSD-5465

Condition No.	Requirement	Relevant section of this document		
	Schedule 2 Administrative Conditions			
23	<p>STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS</p> <p><i>With the approval of the Planning Secretary, the Applicant may:</i></p> <p><i>(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</i></p> <p><i>(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</i></p> <p><i>(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</i></p> <p><i>(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.</i></p>	Section 10		
27	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure^a that is damaged by carrying out the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure^a that needs to be relocated as a result of the development.</p> <p>^a <i>This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the Mining Act 1992.</i></p>	Section 6		
28	<p>The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	Section 8.4		
	Schedule 3 Environmental Conditions – Underground Mining			
25	<p>The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i>. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and comply with the objectives in Table 5.</p> <p><i>Table 7: Rehabilitation Objectives</i></p> <table><tr><th>Feature</th><th>Objective</th></tr></table>	Feature	Objective	Section 6
Feature	Objective			

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	<div>Built features damaged by mining operations</div> <div><ul style="list-style-type: none">Repair to pre-mining condition or equivalent unless:<ul style="list-style-type: none">the owner agrees otherwise; orthe damage is fully restored, repaired or compensated under the Coal Mine Subsidence Compensation Act 2017.</div>							
	Schedule 4 Specific Environmental Conditions							
4	<p>Performance Measures- Built Features</p> <p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 7, to the satisfaction of the Planning Secretary.</p> <p><i>Table 7: Subsidence Impact Performance Measures – Built Features</i></p> <table><tr><th>Built Features</th><th>Performance Measure</th></tr><tr><td>Trinity Point Marina Development</td><td><ul style="list-style-type: none">Always safe.</td></tr><tr><td>Other built features</td><td><ul style="list-style-type: none">Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.Damage must be fully repaired, replaced or fully compensated.</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">The Applicant will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or a Public Safety Management Plan (see Condition 7 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 Planning 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 development consent.Requirements regarding safety or serviceability do not preclude preventative actions or mitigation being taken prior to or during mining in order to achieve or maintain these outcomes. <p>Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.</p>	Built Features	Performance Measure	Trinity Point Marina Development	<ul style="list-style-type: none">Always safe.	Other built features	<ul style="list-style-type: none">Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.Damage must be fully repaired, replaced or fully compensated.	<p>This document</p>
Built Features	Performance Measure							
Trinity Point Marina Development	<ul style="list-style-type: none">Always safe.							
Other built features	<ul style="list-style-type: none">Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.Damage must be fully repaired, replaced or fully compensated.							
5	<p>Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the subsidence performance measures in Table 7 is to be settled by the Planning Secretary, following consultation with the SA NSW and MEG. Any decision by the Planning Secretary shall be final and not subject to further dispute resolution under this consent.</p>	<p>Noted</p>						
7	<p>Extraction Plan</p> <p>(g) include a Built Features Management Plan, which has been prepared in consultation with RR and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which</p> <ul style="list-style-type: none">addresses in appropriate detail all items of public infrastructure and all classes of other built features;has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;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; <p>The Applicant shall implement the approved management plan as approved from time to time by the Planning Secretary.</p>	<p>This document</p>						
8	<p>The Applicant must ensure that the management plans required under conditions 7(g)-(j) above include: (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this</p>	<p>Section 4 and 6</p>						

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	consent; and (b) a detailed description of the measures that would be implemented to remediate predicted impacts	
	Schedule 6 – Environmental Management, Reporting and Auditing	
6	<p>Reporting and Auditing Incident Notification</p> <p><i>The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.</i></p>	Section 7.3
7	<p>Non-compliance notification</p> <p><i>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</i></p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	Section 7.3

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