



IM13/XXXXX
MF13/XXXX

Name
Address
<SUBURB / TOWN> NSW XXXX

Dear Mr/Mrs/Ms

**TITLE NO.
AMENDMENT OF THE SUBSIDENCE MANAGEMENT PLAN CONDITION**

In accordance with the provisions of Section 239(2) of the *Mining Act 1992*, the Minister has amended the Subsidence Management Plan (SMP) Condition on this lease by imposing an alternative Extraction Plan Condition.

The new condition supports the unification of the Department of Planning & Environment (DPE) Extraction Plan with the Division of Resources and Energy (DRE) Subsidence Management Plan process. This will result in one plan and one approval and is a significant reduction in red tape. The new process is also consistent with, and will facilitate an orderly transition to the new *Work Health and Safety (Mines) Act 2013* regulatory framework.

The new condition requires the lease holder to have an approved Extraction Plan in place which provides for the effective management of subsidence risks prior to undertaking underground mining operations that may cause subsidence. Importantly, the condition:

- Recognises Extraction Plans approved by the Minister for Planning as an approved Extraction Plan for the purposes of the Mining Lease
- Saves existing Subsidence Management Plans and recognises them as Extraction Plans for the purpose of the Mining Lease
- Allows lease holders time to transition to the new requirements by providing for the approval of Subsidence Management Plans submitted on or before 31 December 2014 as Extraction Plans for the purposes of the Mining Lease

The condition also specifies certain events that require notification to DRE.

Rather than approving future Extraction Plans, DRE will advise DPE in their approval process. DRE will also be able to direct or take other compliance actions to require lease holders to amend deficient plans. Any compliance actions undertaken by DRE will be in the context of mining and safety legislation and are subject to normal procedural fairness.

The existing Subsidence Management Plan and Extraction Plan guidelines are intended to be replaced with a single revised Extraction Plan guideline covering the regulatory requirements of both DPE and DRE.

The amendment takes effect from 1 July 2014.

The enclosed Instrument of Amendment should be placed with the original documents for this authority.

Thank you for your assistance in implementing this important reduction in red tape.

Yours sincerely

Brad Mullard
Executive Director

Encl.

TAB A

INSTRUMENT OF AMENDMENT

I, as delegate of the Minister for Resources and Energy for the State of New South Wales, under delegation dated 30 November 2010, and pursuant to section 239(2) of the Mining Act 1992, amend mining lease [insert reference] as follows:

[Condition XX] OR [The condition imposed by the Endorsement Schedule dated 18 March 2004] is amended by deleting the existing condition and replacing it with the condition set out below.

Extraction Plan Condition

- (a) In this condition:
- (i) **approved Extraction Plan** means a plan, being:
 - A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or
 - B. a subsidence management plan relating to the mining operations subject to this lease:
 - I. submitted to the Secretary on or before 31 December 2014; and
 - II. approved by the Secretary.
 - (ii) **relevant development consent** means a development consent or project approval issued under the *Environmental Planning & Assessment Act 1979* relating to the mining operations subject to this lease.
- (b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved 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.
- (d) The lease holder must notify the Secretary within 48 hours of any:
- (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:
 - A. built features;
 - B. public safety; or
 - C. subsidence monitoring.

This amendment is effective from 1 July 2014.

SIGNED

Under delegation
Brad Mullard
Executive Director, Mineral Resources
Dated: 30 June 2014