

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
Stage 2 Project Approval (08_0135)	Table A1-2
Mining Lease Conditions (ML 1605, ML 1606, ML 1628, ML 1691 and ML 1715)	Table A1-3

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

Condition Number	Condition	Document Reference/Comment	
Performance Measures – Natural and Heritage Features			
Condition 1, Schedule 4	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. <i>Table 18: Subsidence Impact Performance Measures</i>	This Extraction Plan has been developed to meet the subsidence impact performance measures. Section 3.1 and Appendix A. Section 3.2 and Appendix B. Section 3.3 and Appendix C.	
	Water Resources		
	Drainage Lines (DL1 – DL7)		No greater subsidence impacts or environmental consequences than predicted in the EA
	Land		
	Cliffs C7, C9 and C10		Negligible environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs or fracturing, that in total do not impact more than 0.5% of the total face of such cliffs within any longwall mining domain)
	Other cliffs		No greater subsidence impacts or environmental consequences than predicted in the EA
	Minor cliffs Rock face features Steep Slopes		Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgment of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within any longwall mining domain)
	Biodiversity		
Threatened species, threatened populations, or endangered ecological communities	Negligible subsidence impacts or environmental consequences		

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

Condition Number	Condition	Document Reference/Comment	
Performance Measures – Natural and Heritage Land (Continued)			
Condition 1, Schedule 4 (Cont.)	Heritage Sites	Section 3.4 and Appendix D. Section 1.5.	
	Aboriginal heritage site S2MC 236 (AHIMS No.s 36-3-0016 and 36-3-0134)		Negligible subsidence impacts or environmental consequences
	Historic heritage sites		No greater subsidence impacts 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 subsidence impacts or negligible environmental consequences		To remain long-term stable and non-subsiding
	Second workings	To be carried out only in accordance with an approved Extraction Plan	
Offsets			
Condition 2, Schedule 4	If the Proponent exceeds the performance measures in Table 18 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.		

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

Condition Number	Condition	Document Reference/Comment	
Performance Measures – Built Features			
Condition 3, Schedule 4	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 3.5 and Appendix E. Section 3.5 and Appendix E. Section 3.6 and Appendix F.	
	Key public infrastructure:		
	Gulgong-Sandy Hollow Railway Line		Always safe and serviceable.
	Ulan-Wollar Road		Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.
	Other infrastructure:		
	Murrumbidgee Road		Always safe.
	Low voltage electricity power line		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.
	Telecommunication cable Fibre-optic cable Murrumbidgee Trig Station		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.
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		

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

Condition Number	Condition	Document Reference/Comment
Performance Measures – Built Features (Continued)		
Condition 4, Schedule 4	Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 19 is to be settled by the Secretary, following consultation with the Secretary Industry. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.	All built features are to be managed in accordance with Section 3.5 and the Appendix E.
Extraction Plan		
Condition 5, Schedule 4	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 1.3 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 1.4.
	(d) include detailed performance indicators for each of the performance measures in Tables 18 and 19;	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 18 and 19, and manage or remediate any impacts and/or environmental consequences;	Section 3 and Appendices A to G.	

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

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 5, Schedule 4 (Cont.)	(g) include a Built Features Management Plan, which has been prepared in consultation with DRE 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 3.5 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; 	
	(h) include a Water Management Plan, which has been prepared in consultation with EPA and DPI Water, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:	Section 3.1 and Appendix A.
	<ul style="list-style-type: none"> surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; 	
	<ul style="list-style-type: none"> a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability; 	
<ul style="list-style-type: none"> a program to monitor and report groundwater inflows to underground workings; a program to predict, manage and monitor impacts on groundwater bores on privately-owned land; 		

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

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 5, Schedule 4 (Cont.)	<ul style="list-style-type: none"> • a program to: <ul style="list-style-type: none"> – confirm the location and saturated extent of the palaeochannel adjacent to the extents of underground 1 second workings, including drilling of additional investigation bores; – validate, and if necessary revise, the groundwater model for the palaeochannel; and – monitor and report on the groundwater impacts of underground 1 second workings on the palaeochannel; and a program to monitor and report on the predicted groundwater impacts on the paleochannel adjacent to underground 1 boundary; and 	Appendix A.
	(i) include a Biodiversity Management Plan, which has been prepared in consultation with OEH, 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 3.3 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 3.2 and Appendix B.
	(k) include a Heritage Management Plan, which has been prepared in consultation with OEH 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 41-46 of Schedule 3;	Section 3.4 and Appendix D.
	(l) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area;	Section 3.6 and Appendix F.

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

Condition Number	Condition	Document Reference/Comment
Extraction Plan (Continued)		
Condition 5, Schedule 4 (Cont.)	(m) include a Subsidence Monitoring Program, which has been prepared in consultation with DRE, 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 3.8 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 18 and 19, 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 56 of Schedule 3; and	Sections 3.7 and 4.5.
	(p) include a program to collect sufficient baseline data for future Extraction Plans.	Attachment 3.
	Condition 6, Schedule 4	The Proponent shall ensure that the management plans required under conditions 5(g)-(l) above include: <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.

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

Condition Number	Condition	Document Reference/Comment
First Workings		
Condition 7, Schedule 4	The Proponent may carry out first workings on site other than in accordance with an approved Extraction Plan, provided that DRE 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 Division of Resources and Energy was provided on 24 March 2016 that the proposed first workings for Longwalls 101 to 103 satisfied the requirements of Condition 7, Schedule 4 of Project Approval (08_0135).
Second Workings Under Palaeochannel		
Condition 7A, Schedule 4	The Proponent shall ensure that the longwall panels of the project do not underlie any saturated section of the palaeochannel in the vicinity of Wilpinjong Creek, unless it has demonstrated that it has obtained the necessary water licences, to the satisfaction of the Secretary.	Appendix A.
Payment of Reasonable Costs		
Condition 8, Schedule 4	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 DP&E to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of the Extraction Plan.
Gas Drainage		
Condition 9, Schedule 4	The Proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Secretary.	MCO will manage greenhouse gas emissions from the UG1 Underground Mine in accordance with the approved Greenhouse Gas Minimisation Plan.
Condition 10, Schedule 4	<p>Prior to carrying out underground mining operations, the Proponent shall submit an updated Greenhouse Gas Minimisation Plan to the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) identify options for minimising greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions; (b) investigate the feasibility of implementing each option; (c) propose the measures that would be implemented in the short to medium term on site; and (d) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures on site. 	In March 2016, MCO submitted an updated Greenhouse Gas Minimisation Plan to DP&E. The Greenhouse Gas Minimisation Plan was approved by DP&E in March 2016.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1605 and 1606		
7	Rehabilitation Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Section 3.7 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	Safety 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.	Appendix F.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1605 and 1606 (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.
Mining Lease 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 3.7 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.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1628 (Continued)		
8 (amended) (Cont.)	(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	Safety 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.	Appendix F.
18	Prevention of Soil Erosion and Pollution 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.	Appendices A and B.
19	Transmission lines, Communication Lines and Pipelines 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.	Appendix E.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1628 (Continued)		
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 Environment and Climate Change.</p>	Appendices B and E.
Mining Lease 1691		
7	<p>Rehabilitation</p> <p>Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.</p>	Sections 3.7 and 4.5.
8	(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.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1691 (Continued)		
11	<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 notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	Appendix F.
13	<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 stipulated.</p>	Appendix E.
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 3.7 and 4.5.

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

Condition Number	Condition	Document Reference/Comment
Mining Lease 1715 (Continued)		
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.

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