

WAMBO COAL PTY LIMITED



LONGWALL 24 FIRST WORKINGS MODIFICATION MODIFICATION REPORT

For the Modification of DA 305-7-2003 (MOD 18)
Reorientation of the First Workings for Longwall 24
of the Approved South Bates Extension Underground Mine

November 2021

Peabody

WAMBO COAL MINE LONGWALL 24 FIRST WORKINGS MODIFICATION REPORT

Prepared by Wambo Coal Pty Ltd
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1 INTRODUCTION

The Wambo Coal Mine is situated approximately 15 kilometres (km) west of Singleton, near the village of Warkworth, New South Wales (NSW) (Figure 1), and is operated in accordance with Development Consent (DA 305-7-2003).

The Wambo Coal Mine is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

This Modification Report has been prepared to support an application to modify the DA 305-7-2003 for the Wambo Coal Mine (Modification 18).

1.1 APPLICANT'S DETAILS

The Applicant for the Modification is:

Wambo Coal Pty Limited
Jerrys Plains Road
Warkworth NSW 2330

1.2 APPROVED WAMBO COAL MINE

A range of open cut and underground mine operations have been conducted at Wambo Coal Mine since mining operations commenced in 1969. Mining under DA 305-7-2003 commenced in 2004, with both open cut and underground operations conducted until 2020. From 1 December 2020, the Wambo Coal Mine transitioned into Phase 2 operations which includes underground mining and coal handling and processing, as described in DA 305-7-2003:

The phase of the development that comprises underground mining operations at Wambo underground mine, the operation of Wambo infrastructure within the green operational area identified in Figure 2 of Appendix 2 and associated surface development.

DA 305-7-2003 has been modified 16 times since approval for the Wambo Coal Mine was granted, most recently under the former section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Wambo Coal Terminal (Figure 2) operates under a separate Development Consent (DA 177-8-2004).

1.3 OVERVIEW OF THE MODIFICATION

1.3.1 Background

The South Bates Extension Underground Mine is a component of the approved Wambo Coal Mine comprising Longwalls 17 to 25 in the Whybrow Seam. The South Bates Extension Underground Mine was approved in December 2017 as part of DA 305-7-2003 Modification 17 and operations commenced in Longwall 17 in 2018.

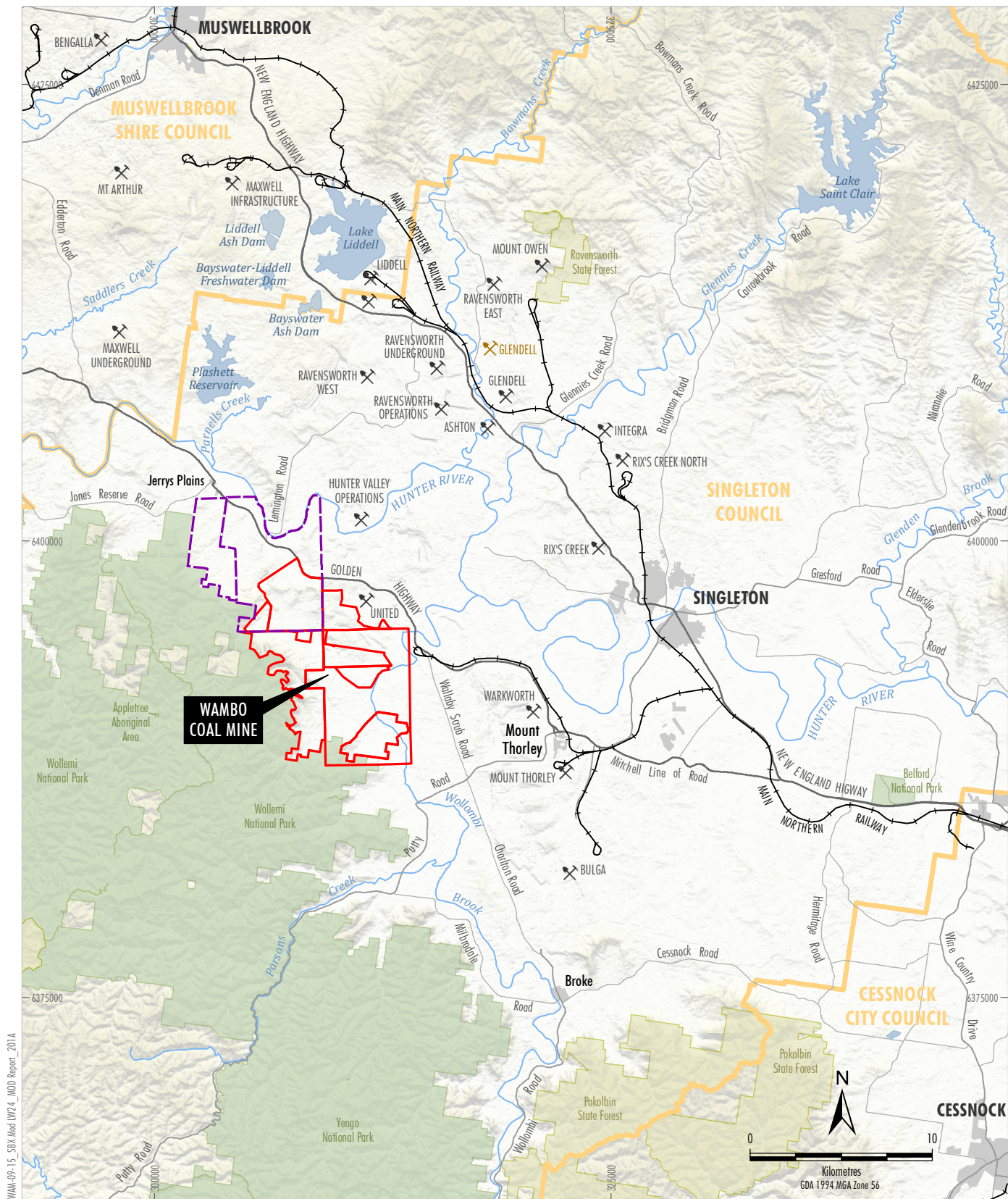
Throughout operation of the South Bates Extension Underground Mine, WCPL has continued to evaluate the available coal resource in the Whybrow Seam and has encountered multiple geological and other technical issues, requiring the longwalls to be shortened at both the commencing (south-western) and finishing (north-eastern) ends (Figure 2).

WCPL is currently mining Longwall 21 and developing first workings for Longwall 22 in accordance with the approved mine plan. As a result of ongoing evaluation and mine planning, WCPL has identified an opportunity for the continuation, and improved efficiency, of the South Bates Extension Underground Mine by reorienting Longwalls 24 and 25, and adding Longwall 26.

1.3.2 Requirement for Modification

To maintain continuity of first workings development (and subsequently longwall extraction), first workings for Longwall 24 are required to commence in February 2022.

WCPL is seeking approval for the development of first workings associated with the reoriented Longwall 24 within Mining Lease (ML) 1572 and ML 1806, but outside of the currently approved underground mining area associated with the South Bates Extension Underground Mine (approved by Modification 17).



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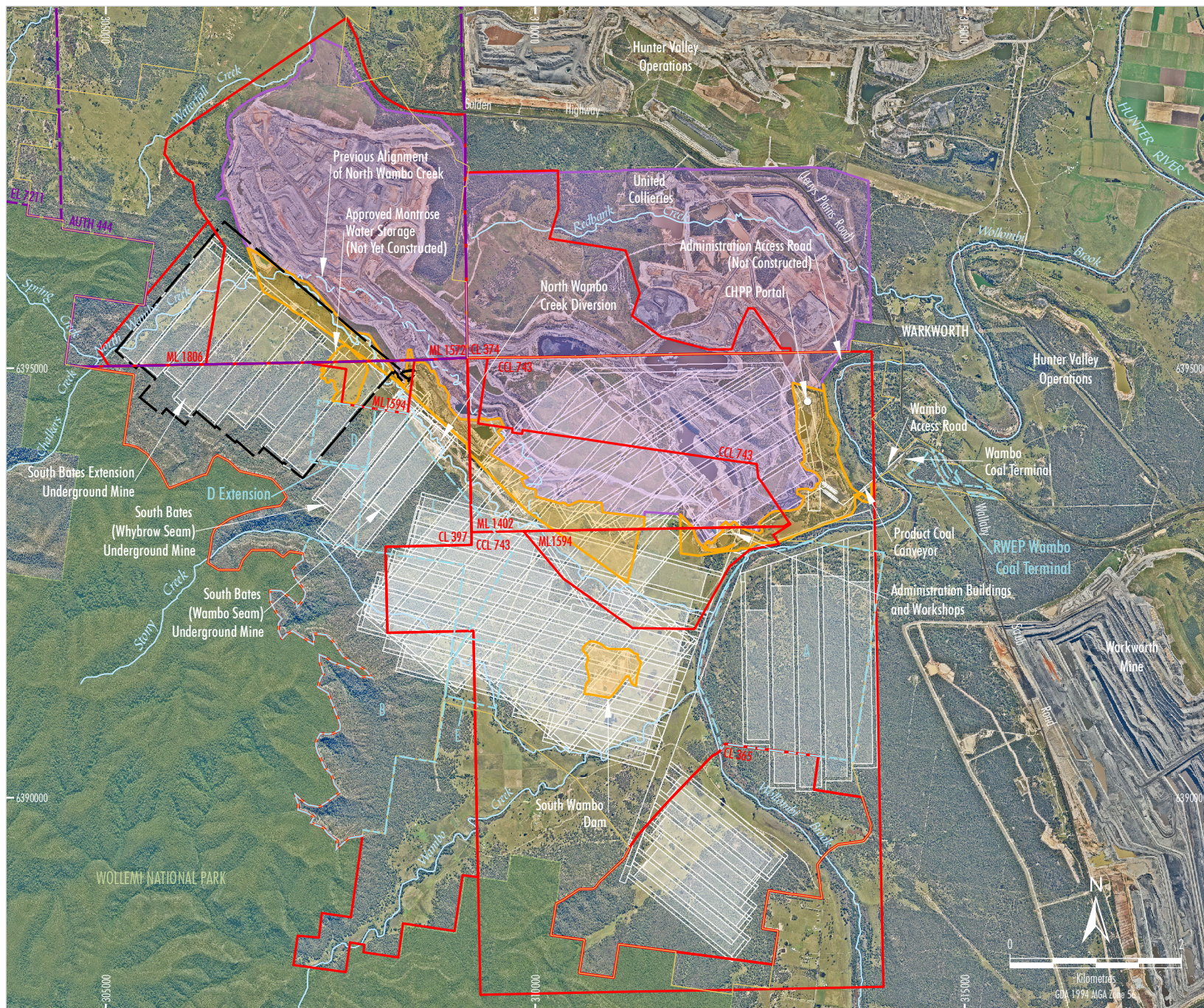
Source: NSW Spatial Services (2021)



- LEGEND**
- Mining and Coal Lease Boundary (ML, CL, CCL)
 - Exploration Licence Boundary (AUTH, EL)
 - Local Government Area
 - National Parks and Wildlife Estate
 - State Forest
 - ⛏ Mining Operation
 - ⛏ Proposed Mining Operations (Application Lodged)

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WAMBO COAL MINE
Regional Location

Figure 1



- LEGEND**
- National Park
 - WCPL Owned Land
 - Exploration Licence Boundary (AUTH, EL)
 - Mining and Coal Lease Boundary (ML, CL, CCL)
 - Remnant Woodland Enhancement Program (RWE) Area
 - SSD 7142 Operational Area #
 - Existing/Approved Wambo Coal Mine Surface Development Area
 - Existing/Approved Underground Development
 - Approved Modification 17 Underground Mining Area

Under Phase 2 of mining at Wambo Coal Mine (commenced 1 December 2020), this area is operated by United Collieries Pty Ltd under the United Wambo Joint Venture Project.

Source: WCPL (2021); NSW Spatial Services (2021)
Orthophoto: WCPL (2021)

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W A M B O C O A L M I N E
Approved Wambo Coal Mine

Figure 2

The currently approved longwall layout and proposed first workings are shown on Figures 3a and 3b.

WCPL considers that development of the first workings within the approved underground mining area associated with the South Bates Extension Underground Mine would be generally in accordance with the approved development as permitted under Condition B6 of DA 305-7-2003.

As the proposed first workings would be stable and non-subsiding in the long term (except insofar as they may be impacted by approved second workings), there would be no surface subsidence impacts and it is therefore anticipated that there will be no additional impacts beyond those approved for the Wambo Coal Mine.

WCPL is in the process of preparing an application for a separate Modification to DA 305-7-2003 for secondary extraction associated with Longwalls 24, 25 and 26, as well as the first workings associated with Longwalls 25 and 26 (where these first workings are outside of the approved underground mining area). WCPL accepts all commercial risk associated with the development of the first workings for Longwall 24 prior to the determination of the subsequent Modification Application and Extraction Plan for Longwalls 24-26.

1.3.3 Consideration of Alternative Options

This Modification is being pursued as an alternative to the original approved mine layout for the South Bates Extension Underground Mine which was developed in 2016. The results of additional exploration activities and experience gained during mining of Longwalls 17 to 21 of the South Bates Extension Underground Mine have led to the development of the revised mine plan including reorientation of Longwalls 24 and 25, and the addition of Longwall 26.

The location of the first workings for Longwall 24 (the subject of this Modification) are dictated by the existing South Bates Extension Underground Mine, the coal resource and surrounding natural environmental features (e.g. Wollemi National Park and the associated Wollemi Escarpment).

As the current layout for Longwalls 24 and 25 is not considered economical to mine, the only realistic alternative to the Modification (and the subsequent Modification for secondary extraction of Longwalls 24-26) would be to cease mining activities at the South Bates Extension Underground Mine following the completion of Longwall 23. WCPL would then either proceed with mining in the approved South Wambo Underground Mine, or cease mining at the Wambo Coal Mine, and transition into a care and maintenance phase.

The Modification was selected as being the preferred option on the basis that it would:

- allow for the logical and efficient recovery of viable coal resources adjacent to the approved underground mining area;
- maintain continuity of development for the South Bates Extension Underground Mine in preparation for the subsequent Modification (not the subject of this application);
- utilise existing surface infrastructure at the South Bates Extension Underground without the need for additional surface infrastructure;
- provide continuity of employment for the current Wambo Coal Mine workforce; and
- remain within current Mining Leases.

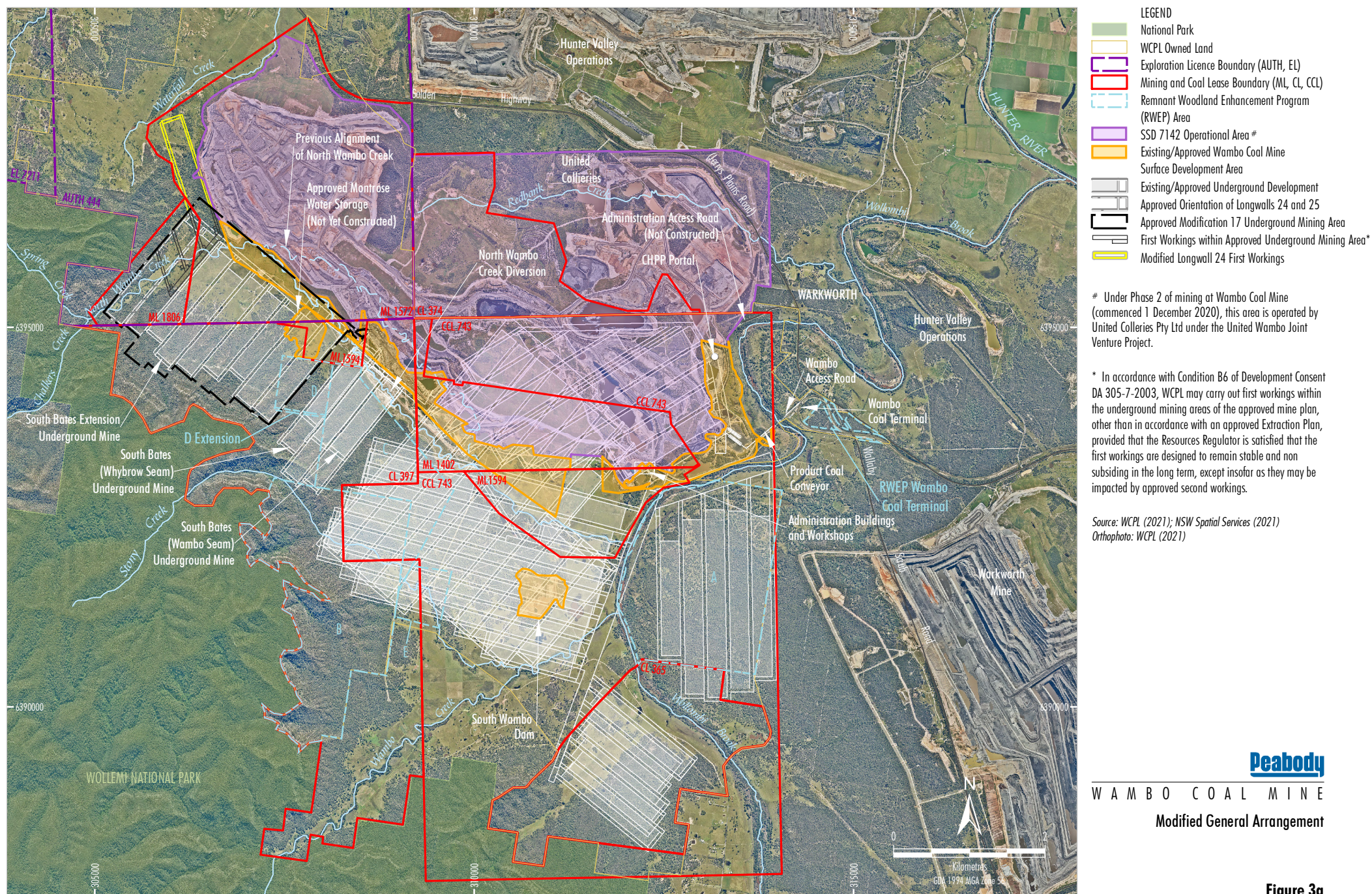
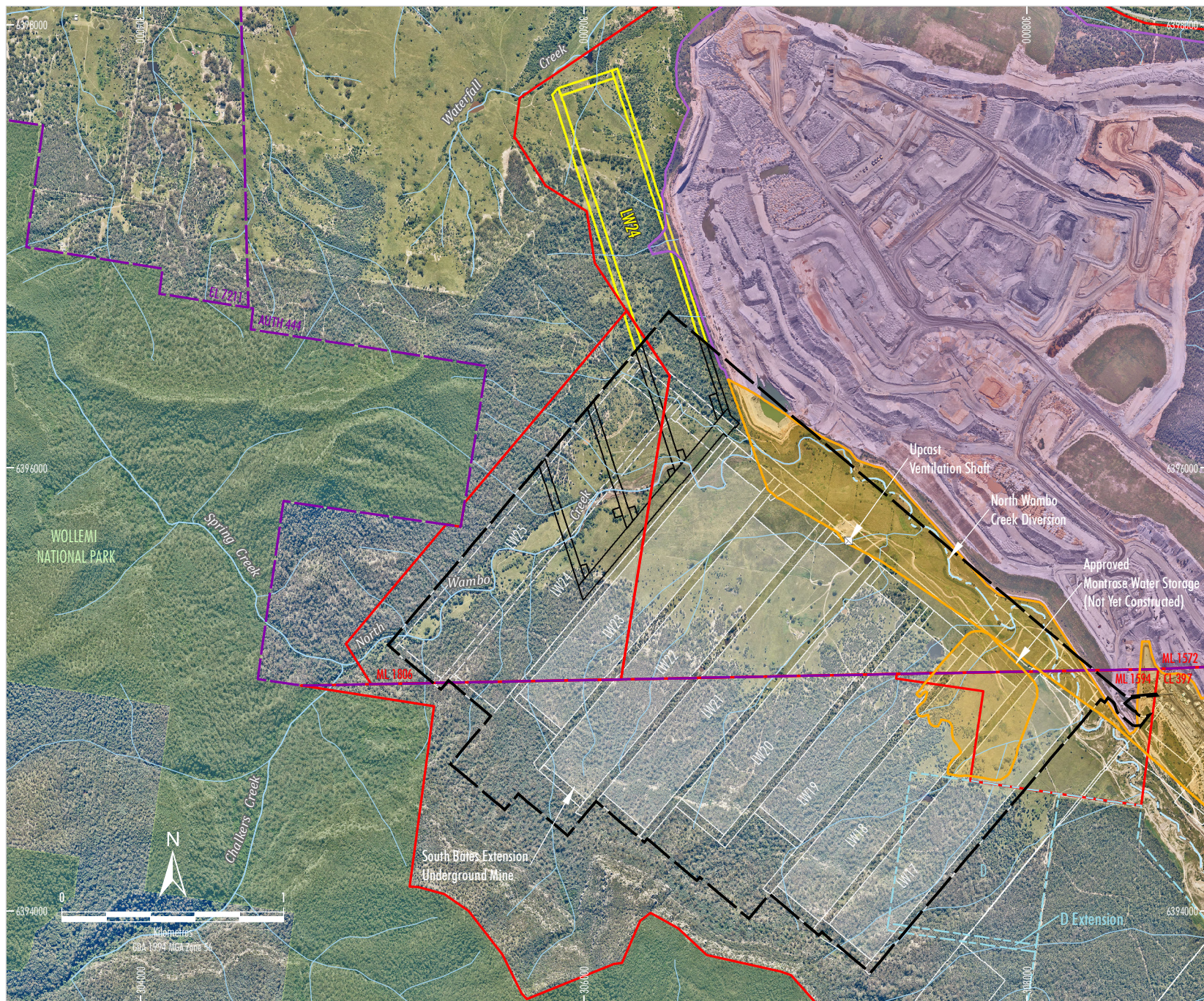


Figure 3a



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W A M B O C O A L M I N E

**Modified General Arrangement
(South Bates Extension)**

Figure 3b

2 STRATEGIC CONTEXT

2.1 REGIONAL CONTEXT

The Wambo Coal Mine is located within the Hunter Coalfield. The Hunter Coalfield and adjacent Newcastle Coalfield in the Sydney-Gunnedah Basin form the target resource of major coal developments in the Hunter region.

Coal mining operations in the region have been occurring for many decades, with operations commencing at the Wambo Coal Mine in 1969. Coal mining has close ties with regional communities in the Hunter region.

In the Singleton Local Government Area (LGA), the mainstays of the economy are coal mining, agriculture, manufacturing and retail. The *Hunter Regional Plan 2036* states that coal mining will remain significant in the region (NSW Government, 2016).

Coal from the Upper Hunter is transported via the Hunter Valley rail network (Figure 1), which provides access to domestic coal customers (i.e. primarily electricity production) and international markets via the Port of Newcastle.

In the Upper Hunter Valley, mining employs almost 8,000 people in the Muswellbrook and Singleton LGAs alone (NSW Government, 2016).

The Wambo Coal Mine is located in the Singleton LGA, approximately 15 km west of Singleton, near the village of Warkworth, in the Upper Hunter Valley (Figure 1). The Wambo Coal Mine is located within a recognised mining precinct, with the United Wambo Open Cut Coal Mine and Hunter Valley Operations located to the north, and the Mount Thorley Warkworth operation located to the east.

Land uses other than mining in the vicinity of the Wambo Coal Mine comprise a combination of agricultural land uses, industrial and residential areas in the village of Jerrys Plains.

2.2 PROJECT CONTEXT

2.2.1 Wambo Coal Mine

The potential environmental impacts of the existing Wambo Coal Mine were assessed in the Wambo Development Project Environmental Impact Statement (WCPL, 2003). DA 305-7-2003 for the Wambo Coal Mine was granted on 4 February 2004 by the then NSW Minister for Urban Affairs and Planning under Part 4 of the EP&A Act.

A range of open cut and underground mine operations have been conducted at the Wambo Coal Mine since mining operations commenced in 1969. Mining under DA 305-7-2003 commenced in 2004 and both open cut and underground operations were conducted until 2020. From 1 December 2020, the Wambo Coal Mine transitioned into Phase 2 operations which includes underground mining and operating the coal handling and preparation plant (CHPP) and rail loading facilities. Open cut mining activities are now undertaken by Glencore on behalf of the United Wambo Joint Venture as part of the United Wambo Open Cut Coal Mine.

DA 305-7-2003 (as modified) covers the following mining operations at the Wambo Coal Mine (Figure 2):

- Underground mining operations in the approved North Wambo Underground Mine (completed).
- Underground mining operations in the approved South Bates Underground Mine (completed).
- Underground mining operations in the approved South Bates Extension Underground Mine (in progress).
- Underground mining operations in the approved South Wambo Underground Mine (future operation).
- Ongoing operation of the CHPP and processing of coal from the underground mining operation and the United Wambo Open Cut Coal Mine, with up to 14.7 Mtpa of run-of-mine (ROM) coal processed at the CHPP in any calendar year.

2.2.2 United Wambo Open Cut Coal Mine

In November 2014, Glencore and Peabody Energy Australia Pty Limited agreed to form a 50:50 Joint Venture to develop an open cut coal mine project that combined the extraction and exploration rights for a number of mining tenements held by United Collieries Pty Limited (United) (a subsidiary of Glencore) and WCPL. The Joint Venture proposed that United would manage the combined open cut mining operations utilising the Wambo Coal Mine's existing infrastructure. WCPL would continue to operate its underground mining operations, the CHPP and rail loading facilities.

An application to modify the Development Consent (DA 305-7-2003 MOD 16) and a State Significant Development application (SSD-7142) were lodged in November 2016 to support the Joint Venture and were approved on 28 August 2019.

2.2.3 South Bates Extension Underground Mine

The South Bates Extension Underground Mine is a component of the approved Wambo Coal Mine comprising Longwalls 17 to 25 in the Whybrow Seam. The South Bates Extension Underground Mine was approved in December 2017 as part of DA 305-7-2003 Modification 17 and operations commenced in Longwall 17 in 2018.

To maintain continuity of first workings development (and subsequently longwall extraction), first workings development for Longwall 24 is required to commence in February 2022.

WCPL is seeking approval for the development of first workings associated with the reoriented Longwall 24 within ML 1572 and ML 1806, but outside of the currently approved underground mining area associated with the South Bates Extension Underground Mine (approved by Modification 17) (Figures 3a and 3b).

WCPL considers that the proposed first workings within the approved underground mining area are generally in accordance with Condition B6 of DA 305-7-2003, subject to them being long-term stable and non-subsiding (Appendix A).

As described in Section 1.3.2, WCPL is in the process of preparing an application for a separate Modification to DA 305-7-2003 for secondary extraction associated with Longwalls 24, 25 and 26, as well as the first workings associated with Longwalls 25 and 26 (where these first workings are outside of the approved underground mining area).

The early development of the first workings for Longwall 24 will facilitate the timely secondary extraction of Longwalls 24, 25 and 26, subject to the approval of the subsequent Modification Application and Extraction Plan for Longwalls 24-26.

Pursuing underground mining of the coal resource to the north-west of the approved South Bates Extension Underground Mine is a logical and efficient progression for the Wambo Coal Mine.

WCPL accepts all commercial risk associated with the development of the first workings for Longwall 24 prior to the determination of the subsequent Modification Application and Extraction Plan for Longwalls 24-26.

The Modification would not extend the approved overall life of the Wambo Coal Mine, but would allow for continued operations at the South Bates Extension Underground Mine for a further three years (as the approved Longwalls 24 and 25 would not be mined in their current arrangement). The Modification would provide royalties to NSW and direct flow-on economic effects that would likely not be realised if the Modification does not proceed.

The proposal would provide better environmental and social outcomes than developing the currently approved South Bates Extension Underground Mine.

2.3 KEY STRATEGIC PLANNING DOCUMENTS

The *Strategic Statement on Coal Exploration and Mining in NSW* outlines how the NSW Government will continue to support responsible resource development for the benefit of the State (NSW Government, 2020). The *Strategic Statement on Coal Exploration and Mining in NSW* recognises the value of coal production to the NSW economy, including:

- The long history of coal mining in NSW and its close ties with regional communities in the Hunter region.
- The potential for coal production to provide significant benefits to local communities, including jobs and investment.
- Coal production's significant contributions to export earnings as the State's biggest single export earner.

The Modification would facilitate the ongoing development of first workings at the Wambo Coal Mine, and would pave the way for approval of a future Modification that would provide for the ongoing safe and efficient extraction of significant coal resources at the Wambo Coal Mine, subject to the conditions of the relevant State approvals.

The Modification would not materially change the scale or nature of the approved Wambo Coal Mine, and would continue to align with the objectives of the *Strategic Statement on Coal Exploration and Mining in NSW*.

2.3.1 Climate Change

The NSW Government has released the *NSW Climate Change Policy Framework* (Office of Environment and Heritage, 2016), which commits NSW to the 'aspirational long-term objective' of achieving net-zero emissions by 2050. The *NSW Climate Change Policy Framework* endorses the Paris Agreement and includes as one of its aspirational objectives the implementation of policies consistent with the Commonwealth Government's plans for long-term greenhouse gas emission reductions. It also includes an objective for NSW to be more resilient to climate change impacts (Office of Environment and Heritage, 2016).

The NSW Government's *Net Zero Plan Stage 1: 2020 – 2030* (Net Zero Plan) has recently reiterated that the State's actions on climate change should not undermine the business, jobs and communities supported by mining (Department of Planning, Industry and Environment [DPIE], 2020). This illustrates that the State of NSW is adopting an approach to emissions reduction that balances both socio-economic factors and emission reduction opportunities for the long-term benefit of the State.

The proposed Modification would not increase greenhouse gas emissions compared to the approved Wambo Coal Mine and would provide for the ongoing employment of the existing workforce and, therefore, is consistent with the NSW Government's Net Zero Plan.

3 DESCRIPTION OF THE MODIFICATION

The Modification would not require a significant alteration to the approved Wambo Coal Mine. A description of the Modification is provided below.

The Modification would involve the following components (Figures 3a and 3b):

- development of long-term stable and non-subsiding first workings associated with the reoriented Longwall 24 outside of the approved underground mining area, but within current Mining Leases (Appendix A);
- extraction of 0.23 million tonnes (Mt) of ROM coal from the Longwall 24 first workings; and
- processing of ROM coal from the first workings at the existing on-site CHPP.

The Modification would not require any changes to the following approved components of the Wambo Coal Mine:

- mining method or rate;
- annual production;
- overall mine life;
- management of reject material;
- product coal transport;
- workforce; and
- hours of operation.

The Modification would also not require changes to the Wambo Coal Terminal Development Consent DA 177-8-2004 or to the United Wambo Open Cut Coal Mine Development Consent SSD 7142.

A comparative summary of the approved operations and proposed Modification for the Wambo Coal Mine is provided in Table 1.

Based on a review of the proposed changes, WCPL considers that the Wambo Coal Mine incorporating the Modification would be substantially the same as the approved Wambo Coal Mine.

The following sub-sections provide a detailed description of the Modification components.

3.1 REVISED FIRST WORKINGS LAYOUT

The Modification would include the development of long-term stable and non-subsiding first workings for Longwall 24 outside of the currently approved underground mining area, within the current Mining Leases (Figures 3a and 3b).

3.2 COAL HANDLING AND PROCESSING

The ROM coal recovered from the development of first workings for Longwall 24 would be processed at the existing Wambo Coal Mine CHPP prior to being loaded onto trains for transportation to market.

The maximum ROM coal production under the Modification would be within the approved maximum annual production. There are no proposed upgrades to the coal handling or CHPP infrastructure required for the Modification.

The Modification would not result in any changes to the approved overall operating life of the Wambo Coal Mine, including the current CHPP and train loadout facilities (i.e. mining operations are approved until 31 August 2042).

3.3 COARSE REJECTS AND TAILINGS MANAGEMENT

Coarse rejects and tailings generated by the processing of ROM coal at the Wambo Coal Mine CHPP would continue to be incorporated, encapsulated and/or capped within open cut voids and emplacement areas associated with the United Wambo Open Cut Coal Mine in accordance with existing management practices.

Table 1
Summary of the Approved and Modified Wambo Coal Mine

Project Component	Approved Wambo Coal Mine ¹	Modified Wambo Coal Mine
Life of Mine	Underground mining operations may be carried out until 31 August 2042.	No change.
Open Cut Mining	No open cut mining activities following commencement of Phase 2 operations.	No change.
Underground Mining Rate	Longwall mining of up to 9.75 million tonnes per annum (Mtpa) of ROM coal.	No change.
Underground Mine Target Seams	Extraction from the Whybrow, Wambo, Woodlands Hill and Arrowfield Seams.	No change.
Longwall Layout (South Bates Extension Underground Mine)	As per Figure 3 of DA 305-7-2003.	Development of first workings for the reoriented Longwall 24, as per Figures 3a and 3b.
Subsidence Commitments and Management	The subsidence impact performance measures listed in Conditions B1 and B4 of DA 305-7-2003.	No change.
Total ROM Coal Mined	Underground ROM coal reserves estimated at 161.3 Mt.	No change.
Waste Rock Management and Total Waste Rock	No open cut mining activities or associated waste rock management following commencement of Phase 2 operations.	No change.
ROM Coal Production Rate	Up to 14.7 Mtpa of ROM coal from the Wambo Coal Mine and United Wambo Open Cut Coal Mine may be processed at the Wambo Coal Mine CHPP in any calendar year.	No change.
Coal Washing	CHPP is capable of processing approximately 1,800 tonnes per hour. ROM coal can be received from both the United Wambo Open Cut Coal Mine and the Wambo Coal Mine.	No change.
CHPP Reject Management	Coarse rejects and tailings would be incorporated, encapsulated and/or capped within open cut voids and emplacement areas associated with the United Wambo Open Cut Coal Mine.	No change.
Total CHPP Rejects	Approximately 40.3 Mt of coarse rejects and approximately 24.5 Mt of tailings.	No change.
Water Supply	Make-up water demand to be met from runoff recovered from tailings storage areas, operational areas, dewatering, licensed extraction from Wollombi Brook and Hunter River. Ongoing exchange of water between the United Wambo Open Cut Coal Mine and the Wambo Coal Mine to allow for integration of the water management systems.	No change.
Surface Facilities	Construction of surface facilities within the approved surface development area.	No change.
Mining Tenements	Coal Lease (CL) 365, CL 374, CL 397, Consolidated Coal Lease (CCL) 743, ML 1402, ML 1572, ML 1594, ML 1806, Authorisation 444, Exploration Licence 7211.	No change.

¹ Development Consent (DA 305-7-2003) (as modified).

As the first workings would continue in the same seam as the existing approved South Bates Extension Underground Mine, there would be no change to existing coarse rejects and tailings management practices.

3.4 GAS AND VENTILATION MANAGEMENT

Gas from the Modification mine area would be managed via in seam boreholes. No surface to seam gas drainage would be required.

Ventilation of the first workings would be integrated with the approved ventilation system for the South Bates Extension Underground Mine.

3.5 WATER MANAGEMENT

The Modification would not require any changes to water management at the Wambo Coal Mine as, relative to the approved operations, it would:

- not require a change in the maximum processing rate at the CHPP;
- not increase the approved surface disturbance footprint; and
- result in a negligible change in groundwater inflows, compared to the approved underground operations.

WCPL would continue to obtain and hold relevant licences under the *Water Management Act 2000* to account for the take of water associated with the Wambo Coal Mine.

The Longwalls 21-24 Extraction Plan would be revised to incorporate the Modification.

4 STATUTORY CONTEXT

This section outlines the statutory requirements relevant to the assessment of the Modification.

As outlined in the *State Significant Development Guidelines* (DPIE, 2021), Attachment 1 provides a detailed statutory compliance table for the Wambo Coal Mine incorporating the Modification that identifies all the relevant statutory requirements and the relevant sections in this Modification Report that address these requirements.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) set the framework for planning and environmental assessment in NSW.

4.1.1 Applicability of Section 4.55(1A) of the EP&A Act

The potential environmental impacts of the existing Wambo Coal Mine were assessed in the Wambo Development Project Environmental Impact Statement (WCPL, 2003). DA 305-7-2003 for the Wambo Coal Mine was granted on 4 February 2004 by the then NSW Minister for Urban Affairs and Planning under Part 4 of the EP&A Act.

DA 305-7-2003 has been modified 16 times since approval for the Wambo Coal Mine was granted, most recently under the former section 75W of the EP&A Act.

Approval for the Modification is being sought under section 4.55(1A) of the EP&A Act.

Section 4.55(1A) of the EP&A Act relevantly provides:

4.55 Modification of consents—generally

...

(1A) *Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

Clause 3BA(6) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* relevantly provides:

3BA Winding-up of transitional Part 3A modification provisions on cut-off date of 1 March 2018 and other provisions relating to modifications

...

- (6) *In the application of section 4.55 (1A) or (2) or 4.56 (1) of the Act to the following development, the consent authority need only be satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent (as last modified under section 75W):*

- (a) *development that was previously a transitional Part 3A project and whose approval was modified under section 75W,*

...

Substantially the Same Development

Since 1 December 2020 (i.e. following commencement of Phase 2 operations, as defined by DA 305-7-2003, subsequent to the approval of the United Wambo Open Cut Coal Mine), the Wambo Coal Mine has been an underground coal mining operation. This would also clearly continue to be the case if the Modification was approved (Table 1).

The proposed first workings for Longwall 24 at the South Bates Extension Underground Mine would:

- be contiguous with the approved South Bates Extension Underground Mine;
- be adjacent to the existing open cut operations for the United Wambo Open Cut Coal Mine;
- be within the current ML 1572 and ML 1806;
- be designed to remain stable and non-subsiding in the long-term (to the satisfaction of the NSW Resources Regulator;

- require no additional surface infrastructure, as the first workings would involve the continued use of the existing South Bates Extension Underground Mine surface infrastructure;
- result in the incidental extraction of 0.23 Mt of ROM coal, which is 0.14% of the total ROM coal that would be recovered by the approved Wambo Coal Mine (estimated total underground coal resource of 161.3 Mt); and
- not result in an overall increase in mine footprint, relative to the approved Modification 17 longwall layout.

Therefore, the consent authority can be satisfied that the Wambo Coal Mine incorporating the Modification would remain “substantially the same” development as was last modified under section 75W of the EP&A Act.

Minimal Environmental Impact

A review of the potential environmental impacts associated with the Modification has been undertaken and is outlined in Section 6 and Appendix A. The key outcomes of the environmental review are set out in Section 7.2.

Based on the outcomes of the environmental review, the Modification would result in no or negligible change to previously assessed and approved impacts and, therefore, would involve minimal environmental impact.

4.2 RELEVANT NSW LEGISLATION

In addition to the EP&A Act, the following NSW legislation may be applicable to the Wambo Coal Mine incorporating the Modification:

- *Biodiversity Conservation Act 2016* (BC Act);
- *Mining Act 1992*;
- *National Parks and Wildlife Act 1974*;
- *Protection of the Environment Operations Act 1997* (PoEO Act); and
- *Water Management Act 2000*.

Relevant licences or approvals required under these Acts would continue to be obtained for the Wambo Coal Mine incorporating the Modification.

4.2.1 Biodiversity Conservation Act 2016

The BC Act provides the approach to be followed for conducting an assessment of a development's impacts on threatened species and ecological communities.

Under the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, a Biodiversity Development Assessment Report is not required to be submitted with a modification if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification would not increase the impact on biodiversity values.

The Modification would not increase the impact on biodiversity values, including threatened species and ecological communities, as it (Section 3):

- does not require additional surface disturbance beyond the approved areas; and
- would not result in additional subsidence impacts beyond those already approved, as the first workings for Longwall 24 would be long-term stable and non-subsiding.

Nonetheless, biodiversity values requiring consideration in accordance with section 7.17(2)(c) of the BC Act and clause 1.4 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* are addressed in Table 2.

Accordingly, with reference to section 7.17(2)(c) of the BC Act and the *Threatened Species Test of Significance Guidelines* (State of NSW and Office of Environment and Heritage, 2018), no Biodiversity Development Assessment Report is required for the Modification as the Modification would not increase impacts on biodiversity values.

4.2.2 Mining Act 1992

The objects of the *Mining Act 1992* are to encourage and facilitate the discovery and development of mineral resources in NSW, having regard to the need to encourage ecologically sustainable development.

The proposed Modification activities at the Wambo Coal Mine (i.e. development of first workings for Longwall 24 outside the approved underground mining area) would be located wholly within ML 1572 and ML 1806. Therefore, there would be no need for the amendment or variation of the existing Wambo Coal Mine authorities or the issue of new authorities under the *Mining Act 1992*.

WCPL would review and revise the Mining Operations Plan/Rehabilitation Management Plan to incorporate the Modification.

4.2.3 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* contains provisions for the protection and management of national parks, historic sites, nature reserves and Aboriginal cultural heritage in NSW.

The Modification does not seek to change the approved surface development extent for the Wambo Coal Mine, or increase subsidence impacts/consequences, and therefore would not involve additional potential impacts on Aboriginal cultural heritage to those previously assessed.

Notwithstanding, WCPL will continue to manage Aboriginal cultural heritage at the Wambo Coal Mine in accordance with its Heritage Management Plan and Aboriginal Heritage Impact Permits granted under the *National Parks and Wildlife Act 1974*.

Table 2
Biodiversity Values Consideration

Biodiversity Value	Modification Consideration
(a) <i>threatened species abundance—being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,</i>	The Modification would not change the approved surface disturbance footprint at the Wambo Coal Mine. There would be no change in subsidence impacts (including to vegetation) at the Wambo Coal Mine as first workings for Longwall 24 would be long-term stable and non-subsiding (Appendix A). Therefore, no additional impact on threatened species abundance would occur.
(b) <i>vegetation abundance—being the occurrence and abundance of vegetation at a particular site,</i>	The Modification would not change the approved surface disturbance footprint at the Wambo Coal Mine. There would be no change in subsidence impacts (including to vegetation) at the Wambo Coal Mine as first workings for Longwall 24 would be long-term stable and non-subsiding (Appendix A). Therefore, no additional impact on vegetation abundance would occur.
(c) <i>habitat connectivity—being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,</i>	The Modification would not change the approved surface disturbance footprint at the Wambo Coal Mine. There would be no change in subsidence impacts (including to vegetation) at the Wambo Coal Mine as first workings for Longwall 24 would be long-term stable and non-subsiding (Appendix A). Therefore, no additional impact on habitat connectivity would occur.
(d) <i>threatened species movement—being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,</i>	The Modification would not change the approved surface disturbance footprint at the Wambo Coal Mine. Therefore, no additional impact on threatened species movement would occur.
(e) <i>flight path integrity—being the degree to which the flight paths of protected animals over a particular site are free from interference,</i>	The Modification does not propose the construction of any new infrastructure at the Wambo Coal Mine beyond those already approved. Therefore, no additional impact on flight path integrity would occur.
(f) <i>water sustainability—being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.</i>	The Modification would not result in any new or additional impacts to surface water or groundwater resources compared to the approved Wambo Coal Mine. Therefore, no additional impact on water sustainability would occur.

4.2.4 Protection of the Environment Operations Act 1997

The PoEO Act and the NSW *Protection of the Environment Operations (General) Regulation 2009* set out the general obligations for environmental protection for industry in NSW, which is regulated by the NSW Environmental Protection Authority.

Operations and monitoring at the Wambo Coal Mine are currently undertaken in accordance with the current Environment Protection Licence (EPL) 529 held by WCPL issued under the PoEO Act.

EPL 529 would be varied to incorporate the full South Bates Extension Underground Mine area within the premises boundary.

4.2.5 Water Management Act 2000

The *Water Management Act 2000* contains provisions for the licensing, allocation, capture and use of water resources.

Under the *Water Management Act 2000*, water sharing plans have commenced for water sources relevant to the Wambo Coal Mine. Water sharing plans establish rules for sharing water between different users and between the various environmental sources (namely rivers or aquifers).

Water sharing plans relevant to the Wambo Coal Mine are:

- *Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016.*
- *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009.*
- *Water Sharing Plan for the Hunter Regulated River Water Source 2016.*

The current licences held for the Wambo Coal Mine are expected to be sufficient for the Modification.

4.3 ENVIRONMENTAL PLANNING INSTRUMENTS

State environmental planning policies of relevance to the Modification were described in the Wambo Development Project Environmental Impact Statement (WCPL, 2003) and subsequent modifications.

Detail on potential Modification requirements under the key environmental planning instruments is included in the statutory compliance table provided in Attachment 1.

4.4 COMMONWEALTH LEGISLATION

4.4.1 Environment Protection and Biodiversity Conservation Act 1999

The objective of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance (MNES).

Proposals that are likely to have a significant impact on a MNES are defined as a controlled action under the EPBC Act. A proposal that is, or may be, a controlled action is required to be referred to the Commonwealth Department of Agriculture, Water and Environment to determine whether or not the action is a controlled action.

Based on the minor nature of the Modification, it was concluded that the Modification would not have a significant impact on MNES for the following reasons:

- The Modification would not have a significant impact on listed threatened species and ecological communities and/or migratory species.
- The Modification would not have a significant impact on wetlands of international importance.

- The Modification would not have a significant impact on world heritage properties or national heritage places.
- The Modification would not impact the Great Barrier Reef Marine Park and/or Commonwealth marine areas.
- The Modification is not a nuclear action.
- The Modification would not have a significant impact on water resources.

4.4.2 National Greenhouse and Energy Reporting Act 2007

The Commonwealth *National Greenhouse and Energy Reporting Act 2007* (NGER Act) introduced a single national reporting framework for the reporting and dissemination of corporations' greenhouse gas emissions and energy use.

WCPL would account for the greenhouse gas emissions associated with the Modification in its annual NGER Act report.

5 ENGAGEMENT

Consultation with NSW government agencies, Singleton Council and the local community has been undertaken by WCPL during the preparation of this Modification Report. A summary of this consultation is provided below.

It is anticipated that consultation will continue during the assessment of the Modification by the NSW Government.

5.1 NSW GOVERNMENT AGENCIES

NSW Department of Planning, Industry and Environment

WCPL held a meeting with DPIE on 29 October 2021 to provide an overview of the Modification, the supporting environmental assessments to be undertaken, and the proposed approval process and timing. Feedback provided by DPIE during this meeting has been considered in this Modification Report.

On 9 November 2021, WCPL submitted a scoping letter to DPIE providing an overview of the Modification, proposed approval pathway and the proposed scope of the environmental assessment.

DPIE subsequently responded to WCPL on 22 November 2021, nominating a proposed approval pathway and environmental assessment matters to be considered as part of the Modification.

The matters raised by DPIE have been considered in this Modification Report.

NSW Resources Regulator

WCPL provided a briefing letter to the NSW Resources Regulator on 10 November 2021 to provide an overview of the Modification.

WCPL offered to meet with NSW Resources Regulator to discuss the details of the proposed Modification, and invited NSW Resources Regulator to provide any comments or feedback on the proposal.

NSW Division of Mining, Exploration and Geoscience

WCPL provided a briefing letter to the NSW Division of Mining, Exploration and Geoscience (MEG) within the Department of Regional NSW on 10 November 2021 to provide an overview of the Modification.

WCPL offered to meet with MEG to discuss the details of the proposed Modification, and invited MEG to provide any comments or feedback on the proposal.

5.2 SINGLETON COUNCIL

The Wambo Coal Mine is located within the Singleton LGA (Figure 1).

WCPL provided a briefing letter to the Singleton Council on 10 November 2021 to provide an overview of the Modification.

WCPL offered to meet with the Singleton Council to discuss the details of the proposed Modification, and invited the Singleton Council to provide any comments or feedback on the proposal.

5.3 COMMUNITY CONSULTATION

A Community Consultative Committee (CCC) for the Wambo Coal Mine is in place and provides a mechanism for ongoing communication between WCPL and the local community.

WCPL provided a briefing regarding the Modification at the CCC meeting on 9 November 2021.

Minutes for the Wambo Coal Mine CCC meetings are made publicly available on the Peabody Energy Australia Pty Limited website.

6 ASSESSMENT OF IMPACTS

This section presents the assessment of impacts associated with the modified Wambo Coal Mine.

The Modification would not require a significant alteration to the approved Wambo Coal Mine. The Modification would involve the following components (Figures 3a and 3b):

- development of long-term stable and non-subsiding first workings associated with the reoriented Longwall 24 outside of the approved underground mining area, but within current Mining Leases (Appendix A);
- extraction of 0.23 Mt of ROM coal from the Longwall 24 first workings; and
- processing of ROM coal from the first workings at the existing on-site CHPP.

The following approved components of the Wambo Coal Mine would not be changed as a result of the Modification:

- mining method or rate;
- annual production;
- overall mine life;
- management of reject material;
- product coal transport;
- workforce; and
- hours of operation.

Therefore, there would be no material alteration to the approved impacts of the Wambo Coal Mine on the following environmental aspects:

- subsidence;
- groundwater resources (i.e. total groundwater inflows over the life of the mine);
- surface water resources (i.e. disturbance to natural catchment areas);

- land resources, rehabilitation and final landforms;
- terrestrial and aquatic ecology;
- non-Aboriginal heritage;
- Aboriginal heritage;
- amenity (i.e. air quality or impacts to noise);
- social; and
- road or rail traffic.

Further detail on each of these aspects is provided in the below subsections.

6.1 SUBSIDENCE

The additional first workings have been designed by WCPL to be stable and non-subsiding in the long-term. MinServe have reviewed the first workings design and have confirmed that they would be stable and non-subsiding in the long-term. The lowest identified factor of safety was 2.4 (equivalent to a probability of failure of less than 1 in 10,000,000) (Appendix A).

Accordingly, and as there would be no longwall extraction associated with the Modification, there would be no subsidence related impacts from the development of the Modification.

As described in Section 1.3.2, WCPL is in the process of preparing an application for a separate Modification to DA 305-7-2003 for secondary extraction associated with Longwalls 24, 25 and 26, as well as the first workings associated with Longwalls 25 and 26 (where these first workings are outside of the approved underground mining area).

Secondary extraction for Longwalls 24, 25 and 26 would be subject to the approval of the subsequent Modification Application and Extraction Plan for Longwalls 24-26.

6.2 GROUNDWATER

The Permian coal measures within the vicinity of the Wambo Coal Mine and South Bates Extension Underground Mine, are predicted to be essentially dewatered during mining of the target Whybrow Seam.

The proposed first workings for Longwall 24 are contiguous with the existing South Bates Extension Underground Mine and immediately adjacent to the open cut. There would be no change in hydraulic properties above the first workings (i.e. no fracturing). Therefore, the impact of the first workings on regional potentiometric pressures and water levels would be nil.

6.3 SURFACE FEATURES

As the Modification would be wholly underground, and the first workings are designed to be long-term stable and non-subsiding, there would be no additional impacts to surface features (e.g. surface water resources, land resources, Aboriginal cultural heritage, non-Aboriginal heritage, terrestrial and aquatic ecology, etc.) as a result of the first workings.

Detailed consideration of potential impacts to biodiversity values is provided in Table 2.

6.4 AMENITY

The first workings for the Modification are contiguous with the existing South Bates Extension Underground Mine and would not involve the development of any additional surface infrastructure or any change to the approved ROM coal production rate or mine life. Therefore, there would be no change to the approved amenity impacts for the Wambo Coal Mine as a result of the development of the first workings.

The proposed Modification would also not increase greenhouse gas emissions compared to the approved Wambo Coal Mine.

6.5 SOCIAL AND ROAD TRANSPORT

The Modification would provide benefits to the local and State economies in the form of the ongoing employment of the existing workforce.

The Modification would use the existing South Bates Extension Underground Mine workforce. Therefore, there are expected to be no impacts on the local population, access to community infrastructure and services or traffic movements.

7 JUSTIFICATION OF THE MODIFIED PROJECT

This section provides a justification for the Modification and conclusion for the Modification Report.

As part of the justification of the Modification, consideration has been given to:

- the engagement undertaken for the Modification (Section 7.1);
- key environmental assessment outcomes including the potential impacts of the Modification (Section 7.2);
- the relevant planning and policy objectives (Section 7.3); and
- the benefits of the Modification and the Wambo Coal Mine (Section 7.4).

7.1 STAKEHOLDER ENGAGEMENT

WCPL has consulted with the following stakeholders during the development of this Modification report:

- the Wambo Coal Mine CCC;
- United Wambo Coal Mine (Glencore);
- DPIE;

- NSW Resources Regulator;
- MEG; and
- Singleton Council.

Key comments and issues raised during consultation have been considered and addressed in the preparation of this Modification Report.

7.2 CONSOLIDATED SUMMARY OF ASSESSMENT OF IMPACTS

WCPL would operate the Wambo Coal Mine incorporating the Modification in accordance with the current environmental management plans and environmental monitoring programs, incorporating any necessary revisions.

WCPL has undertaken a review of the potential environmental impacts of the Modification to identify key potential environmental issues requiring assessment. The key environmental issues identified are summarised in Table 3.

In consideration of the assessment of impacts in Section 6, the Modification would involve minimal environmental impact as defined under section 4.55(1A) of the EP&A Act.

Table 3
Key Outcomes of Environmental Review for the Modified Wambo Coal Mine

Environmental Aspect	Summary of Key Environmental Review Conclusions
Subsidence	There would be no change in subsidence impacts as the first workings for Longwall 24 would be designed to be long-term stable and non-subsiding. The Subsidence Impact Performance Measures in DA 305-7-2003 would continue to be met under the Modification.
Other Aspects	The Modification would result in negligible or no change in potential impacts on other environmental, social and economic considerations.

7.3 CONSIDERATION OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.3.1 Objects of the Environmental Planning and Assessment Act 1979

Section 1.3 of the EP&A Act describes the objects of the EP&A Act as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The Modification is considered to be generally consistent with the objects of the EP&A Act, because it is a Modification that:

- involves the orderly and economic use of land as the Modification area is the minimum amount of land required to accommodate the Modification; and
- is an application under section 4.55(1A) of the EP&A Act that would be determined by the NSW Government.

7.3.2 Evaluation under Section 4.15(1) of the Environmental Planning and Assessment Act 1979

In evaluating the Modification, under section 4.15(1) of the EP&A Act, the consent authority is required to take into consideration a range of matters as they are of relevance to the subject of the application, including:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

- (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

...

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

While this is a requirement of the consent authority, this Modification Report has been prepared to generally address the requirements of section 4.15(1) of the EP&A Act to assist the consent authority, as follows:

- Consideration of the requirements of relevant environmental planning instruments is provided in Section 4.3.
- Clause 11 of the *State Environmental Planning Policy (State and Regional Development) 2011* states that development control plans do not apply to State Significant Developments.
- This Modification Report has been prepared in consideration of the prescribed matters in the EP&A Regulation.
- A description of the existing environment, an assessment of the potential environmental impacts associated with the Modification, and a description of the potential measures to avoid, mitigate, rehabilitate, remediate, monitor and/or offset the potential impacts of the Modification are described in Section 6.

- The suitability of the proposed site for the Modification has been considered (i.e. the Modification is wholly located within current Mining Leases and the Wambo Coal Mine, as modified, would remain substantially the same).
- Consideration of whether, on evaluation, the Modification is considered to be in the public interest is provided in Sections 7.4 and 7.5.

7.4 JUSTIFICATION FOR THE MODIFICATION

The Modification would involve the following components (Figures 3a and 3b):

- development of long-term stable and non-subsiding first workings associated with the reoriented Longwall 24 outside of the approved underground mining area, but within current Mining Leases;
- extraction of 0.23 Mt of ROM coal from the Longwall 24 first workings; and
- processing of ROM coal from the first workings at the existing on-site CHPP.

The Modification would not require any changes to the following approved components of the Wambo Coal Mine:

- mining method or rate;
- annual production;
- overall mine life;
- management of reject material;
- product coal transport;
- workforce; and
- hours of operation.

The Modification would also not require changes to the Wambo Coal Terminal Development Consent DA 177-8-2004 or to the United Wambo Open Cut Coal Mine Development Consent SSD 7142.

This Modification is being pursued as an alternative to the original approved mine layout for the South Bates Extension Underground Mine which was developed in 2016. The results of additional exploration activities and experience gained during mining of Longwalls 17 to 21 of the South Bates Extension Underground Mine have led to the development of the revised mine plan including reorientation of Longwalls 24 and 25, and the addition of Longwall 26.

The proposed Modification would have the following benefits:

- allow for the logical and efficient recovery of viable coal resources adjacent to the approved underground mining area;
- avoidance of geological features and other technical issues, which have required the previously completed longwalls in the South Bates Extension Underground Mine to be shortened at both the commencing (south-western) and finishing (north-eastern) ends;
- continuity of first workings development (and the associated employment benefits);
- facilitation of the future modification application (in prep.) for the secondary extraction of Longwalls 24, 25 and 26;
- utilisation of existing surface infrastructure at the South Bates Extension Underground without the need for additional surface infrastructure; and
- remaining within current Mining Leases.

As such, the approval of the Modification is considered to be justified.

7.5 CONCLUSION

The modified Wambo Coal Mine would be substantially the same as the approved Wambo Coal Mine.

The Wambo Coal Mine (as modified) would continue to comply with existing criteria, performance measures and limits described in DA 305-7-2003.

WCPL would also continue to operate the Wambo Coal Mine (as modified) in accordance with the current approved management plans.

The Modification would support material economic and social benefits associated with the continuation of the South Bates Extension Underground Mine.

In consideration of the assessment of impacts in Section 6, the Modification would involve minimal environmental impact as defined under section 4.55(1A) of the EP&A Act.

In weighing up the main environmental impacts (costs and benefits) assessed and described in this Modification Report, the Modification is, on balance, considered to be in the public interest of the State of NSW.

8 REFERENCES

Department of Planning, Industry and Environment (2020) *Net Zero Plan Stage 1: 2020 – 2030*.

Department of Planning, Industry and Environment (2021) *State Significant Development Guidelines*.

New South Wales Government (2016) *Hunter Regional Plan 2036*.

New South Wales Government (2020) *Strategic Statement on Coal Exploration and Mining in NSW*.

Office of Environment and Heritage (2016) *NSW Climate Change Policy Framework*.

State of New South Wales and Office of Environment and Heritage (2018) *Threatened Species Test of Significance Guidelines*.

Wambo Coal Pty Limited (2003) *Wambo Development Project Environmental Impact Statement*.

ATTACHMENT 1

DETAILED STATUTORY COMPLIANCE RECONCILIATION TABLE

Table A1-1
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>				
section 1.3	Relevant objects of the EP&A Act: • Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources. • Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. • Promote the orderly and economic use and development of land. • Protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. • Promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage). • Promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State. • Provide increased opportunity for community participation in environmental planning and assessment.	Section 5.2 and Attachment 4 of the Wambo Coal Mine Modification 17 Environmental Assessment (the MOD 17 EA)	Section 7.3.1	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Environmental Planning and Assessment Act 1979 (EP&A Act) (continued)</i>				
section 4.15	Relevant environmental planning instruments: • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (State and Regional Development SEPP). • <i>State Environmental Planning Policy (SEPP) No 33: Hazardous and Offensive Development</i> (SEPP 33). • <i>State Environmental Planning Policy No.55 – Remediation of Land</i> (SEPP 55). • <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> (Mining SEPP). • <i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP). • <i>Singleton Local Environmental Plan 2013</i> (Singleton LEP). • Any planning agreement or draft planning agreement that a developer has entered into under section 7.4 of the EP&A Act. • The EP&A Regulation. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality; the suitability of the site for the development; any submissions made in accordance with the EP&A Act or the EP&A Regulation; the public interest.	Section 5.2 and Attachment 4 of the MOD 17 EA	Table A1-2	✓
EP&A Regulation				
clause 115	An application for the modification of a development consent under sections 4.55(1), (1A) or (2) or 4.56(1) of the EP&A Act must contain information outlined in clause 115(1) and must satisfy clause 115(1A). Clause 115(2) also provides the notification requirements of clause 49 of the EP&A Regulation apply.	-	Sections 1 to 7	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Biodiversity Conservation Act 2016</i>				
section 7.14(2)	The consent authority is to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report. The Modification does not require additional surface disturbance beyond the approved areas and would therefore not increase the impact on biodiversity values, including threatened species and ecological communities.	-	Sections 4.2.1 and 6.3	✓
section 7.16(3)	If the consent authority is of the opinion that the Wambo Coal Mine is likely to have serious and irreversible impacts on biodiversity values, the consent authority is required to: • take those impacts into consideration; and • determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted.	-	Sections 4.2.1 and 6.3	✓
<i>Mining Act 1992</i>				
section 380AA	An application for development consent to mine for coal cannot be made or determined unless the applicant is the holder of an authority that is in force in respect of coal for the relevant land, or the applicant has the written consent of the holder of such an authority to make the application.	-	Section 4.2.2	✓
<i>National Parks and Wildlife Act 1974</i>				
section 90	The Modification does not seek to change the approved surface development extent for the Wambo Coal Mine, or increase subsidence impacts/consequences, and therefore would not involve additional potential impacts on Aboriginal cultural heritage to those previously assessed. Notwithstanding, WCPL will continue to manage Aboriginal cultural heritage at the Wambo Coal Mine in accordance with its Heritage Management Plan and Aboriginal Heritage Impact Permits granted under the <i>National Parks and Wildlife Act 1974</i> .	Section 4.6 of the MOD 17 EA	Section 4.2.3	✓
<i>Protection of the Environment Operations Act 1997 (PoEO Act)</i>				
section 43	The Wambo Coal Mine currently operates under EPL 529, granted under the PoEO Act, which allows for coal works and mining for coal as scheduled activities. The EPL contains conditions that relate to emission and discharge limits, environmental monitoring and reporting. EPL 529 would be varied to incorporate the full South Bates Extension Underground Mine area within the premises boundary.	Section 1.3.5 of the Wambo Development Project 2003 EIS (the 2003 EIS)	Section 4.2.4	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Water Management Act 2000</i>				
sections 89, 90 and 91	WCPL holds appropriate licences under the <i>Water Management Act 2000</i> for the existing activities at the Wambo Coal Mine. Appropriate licences under the <i>Water Management Act 2000</i> would continue to be held and where necessary obtained via purchase or trade according to the operating rules of the water market.	-	No change.	✓
<i>Coal Mine Subsidence Compensation Act 2017 (CMSC Act)</i>				
section 8	At all times while the Wambo Coal Mine is an active mine, WCPL (or the relevant proprietor) would be liable to pay compensation in relation to damage caused by subsidence arising from the Wambo Coal Mine on improvement or goods under Part 2 of the CMSC Act. Any claims for compensation under the CMSC Act would be lodged with Subsidence Advisory NSW. The Wambo Coal Mine is not located within a Mine Subsidence District declared under section 20 of the CMSC Act, and in the regulations made under the CMSC Act.	Section 4.2.4 of the 2003 EIS	No change.	✓
<i>Heritage Act 1977</i>				
section 139	No items of historic heritage would be directly disturbed by the underground mining at the Wambo Coal Mine (as modified) as there would be no additional surface disturbance beyond the approved areas or increased subsidence impacts.	-	No change.	✓

Table A1-2
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>State and Regional Development SEPP</i>				
clause 3	Clause 3 of the State and Regional Development SEPP outlines the aims, that includes identifying development that is State significant development. The Wambo Coal Mine falls within Item 5 of Schedule 1 of the State and Regional Development SEPP as it is development for the purpose of mining that is coal mining. Under clause 8 of the State and Regional Development SEPP, the Wambo Coal Mine is, therefore, State Significant Development for the purposes of the EP&A Act.	-	No change.	✓
<i>Mining SEPP</i>				
clause 12	Before determining an application for consent for the purposes of mining the consent authority must: (a) consider – (i) the existing uses and approved uses of land in the vicinity of the development, and (ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and (b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).	Section 5.2 and Attachment 4 of the MOD 17 EA	Sections 4.1.1, 6.3 and 7.4	✓
clause 12A	Before determining an application for consent for the purposes of mining the consent authority must consider relevant provisions of the <i>Voluntary Land Acquisition and Mitigation Policy</i> (NSW Government, 2018a).	-	No change.	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Mining SEPP (Continued)</i>				
clause 13	Before determining an application for development in the vicinity of mining, petroleum or extractive industry, the consent authority must (among other things) consider whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery.	Sections 2.3 and 6.2 of the MOD 17 EA	Sections 1.3.3 and 7.4	✓
clause 14	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner (including conditions to ensure that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable, that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable, and that greenhouse gas emissions are minimised to the greatest extent practicable). This includes considering an assessment of greenhouse gas emissions (including downstream emissions) having regard to any applicable State or national policies, programs of guidelines concerning greenhouse gas emissions.	Section 4 and Attachment 4 of the MOD 17 EA	Section 6	✓
clause 15	Before determining an application for consent for the purposes of mining the consent authority must consider the efficiency of the development in terms of resource recovery and whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resources recovery and the reuse or recycling of material.	Sections 2.3 and 6.2 and Attachment 4 of the MOD 17 EA	Sections 1.3.3 and 7.4	✓
clause 16	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions regarding transport of materials.	Attachment 4 of the MOD 17 EA	No change.	✓
clause 17	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions regarding rehabilitation, including the particular considerations set out in clause 17(2).	Attachment 4 of the MOD 17 EA	No change.	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>SEPP 33</i>				
clause 13	A consent authority must consider current circulars or guidelines published by the DPIE relating to hazardous or offensive development, whether to consult with relevant public authorities regarding any environmental or land use safety requirements, a preliminary hazard analysis prepared by the applicant, feasible alternatives to the development and likely future use of surrounding land.	Section 4.14 and Attachment 4 of the MOD 17 EA	No change to potentially hazardous or offensive activities.	✓
<i>SEPP 55</i>				
clause 7(1)	A consent authority must consider whether the land is contaminated and be satisfied that, if the land is contaminated, the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the Wambo Coal Mine (as Modified).	Attachment 4 of the MOD 17 EA	No change.	✓
<i>Infrastructure SEPP</i>				
clause 45(2)	Before determining a development application (or an application for modification of a consent) for development to which this clause applies the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks and take into consideration any response to the notice that is received within 21 days after the notice is given.	-	No change.	✓
clause 85(2)	Before determining a development application for development to which this clause applies, the consent authority must within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and take into consideration: (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.	-	No change.	✓

Table A1-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Wambo Coal Project EIS or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>Singleton LEP</i>				
clause 2.3	A consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone.	Section 5.2 and Attachment 4 of the MOD 17 EA	No change.	✓
clause 5.10(4)	If applicable, a consent authority must, before granting consent under clause 5.10 in respect of a heritage item of heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	Appendix C of the 2003 EIS	No change.	✓
clause 5.10(8)	If applicable, a consent authority must, before granting consent under clause 5.10 to the carrying out of development in an Aboriginal place of heritage significance, consider the effect of a proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.	Section 4.13 and Appendix D of the 2003 EIS and Section 4.6 and Appendix F of the MOD 17 EA	No change.	✓
clause 7.6	If applicable, a consent authority must, before granting development consent for earthworks, consider the effect of proposed earthworks on drainage patterns, soil stability, quality of fill, likely amenity impacts, likelihood of disturbing relics and proximity to and potential impacts on water courses.	Section 4 of the 2003 EIS and Section 4 of the MOD 17 EA	No change.	✓