



# APPENDIX **5**

## Statutory Compliance Summary

# Appendix 5 – Statutory Compliance Table

**Table A5.1 NSW Legislation**

Act	Comment	Further Approval Required?
Approvals which do not apply (Section 4.41 EP&A Act)		
Fisheries Management Act 1994	A permit under section 201, 205 or 219.	No
Heritage Act 1977	An approval under Part 4, or an excavation permit under section 139, or Division 8 of part 6.	
National Parks and Wildlife Act 1974	An Aboriginal heritage impact permit under section 90.	
Rural Fires Act 1997	A bushfire safety authority under section 100B.	
Water Management Act 2000	A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91.	
Approvals to be applied consistently with development consent (Section 4.42 EP&A Act)		
Fisheries Management Act 1994	An aquaculture permit under section 144.	No
Mining Act 1992	Part of the Proposed Modification is currently located within an existing Exploration Licence (EL 7542) (refer to Figure 3.1 of the Modification Report). EL7542 will require conversion to a new mining lease as part of the Proposed Modification.  An amended Mining Operations Plan will also require approval under this Act.	Yes
Protection of the Environment Operations Act 1997	UCMPL will seek a variation to EPL 394 to provide for any changes resulting from the Proposed Modification as required.	Yes
Roads Act 1993	A consent under section 138.	No
Pipelines Act 1967	A licence.	No
Other approvals		
Water Management Act 2000	UCMPL will need to acquire additional water access licence allocation in the NSW Murray-Darling Basin Porous Rock Groundwater Source to support the extraction associated with the Proposed Modification.	Yes
Crown Land Management Act 2016	UCMPL currently holds access authority for all Crown land situated at the UCC. The Proposed Modification will not extend these boundaries, nor impact upon lands where access agreements are not held.	No

**Table A5.2 Application of Resources and Energy SEPP**

Matter	Non-Discretionary Development Standard	Assessment Outcomes
<b>Section 2.16: Non-discretionary development standards</b>		
<b>Cumulative noise level</b>	The development does not result in a cumulative amenity noise level greater than the recommended amenity noise levels, as determined in accordance with Table 2.2 of the Noise Policy for Industry, for residences that are private dwellings.	The Proposed Modification is not predicted to exceed the equivalent 15-minute project amenity noise level of 38 dB(A) at any receiver (refer to <b>Section 6.9.2.2</b> ), therefore additional consideration of cumulative noise is not required.
<b>Cumulative air quality level</b>	The development does not result in a cumulative annual average level greater than 25 µg/m <sup>3</sup> of PM <sub>10</sub> or 8 µg/m <sup>3</sup> of PM <sub>2.5</sub> for private dwellings.	The modelling indicates that the Proposed Modification will not cause exceedances of the EPA criteria for annual average PM <sub>10</sub> or PM <sub>2.5</sub> at any off-site sensitive receptor (refer to <b>Section 6.10.5.2</b> ), therefore additional consideration of cumulative air quality is not required.
<b>Airblast overpressure</b>	Airblast overpressure caused by the development does not exceed – <ul style="list-style-type: none"> <li>120 dB (L in Peak) at any time, and</li> <li>115 dB (Lin Peak) for more than 5% of the total number of blasts over any period of 12 months,</li> </ul> measured at any private dwelling or sensitive receiver.	The Proposed Modification relates to underground mining. As noted in <b>Section 1.0</b> , the approved open cut at the UCC is currently in a period of care and maintenance.  Airblast overpressure exposure can be managed effectively to ensure that relevant criteria at all private residences and potentially sensitive receivers are not exceeded.
<b>Ground vibration</b>	Ground vibration caused by the development does not exceed – <ul style="list-style-type: none"> <li>10 mm/sec (peak particle velocity) at any time, and</li> <li>5 mm/sec (peak particle velocity) for more than 5% of the total number of blasts over any period of 12 months,</li> </ul> measured at any private dwelling or sensitive receiver.	The Proposed Modification relates to underground mining. As noted in <b>Section 1.0</b> , the approved open cut at the UCC is currently in a period of care and maintenance.  Ground vibration levels can be managed effectively within the given criteria.
<b>Aquifer interference</b>	Any interference with an aquifer caused by the development does not exceed the respective water table, water pressure and water quality requirements specified for item 1 in columns 2, 3 and 4 of Table 1 of the Aquifer Interference Policy for each relevant water source listed in column 1 of that Table.	Groundwater modelling indicates that the impacts of the Proposed Modification are all less than the Level 1 minimal impact considerations for water table, water quality and water pressure for 'Less Productive Alluvial Aquifers'. The water pressure requirement would be a Level 2 impact for 'Less Productive Porous or Fractured Rock Aquifers' however, make good measures would apply. Therefore the Proposed Modification does not exceed the requirements specified in the AIP.  Further details are provided in <b>Appendix 8</b> .

**Table A5.3 Schedule 4 EPBC Regulations 2000**

Ref.	Description	Section/information
<b>1.</b>	<b>General information</b>	
1.01	The background of the action including:	
(a)	the title of the action;	Ulan Coal Modification 6 – Underground Mining Extension
(b)	the full name and postal address of the designated proponent;	Ulan Coal Mines Pty Limited Private Mail Bag Mudgee NSW 2850
(c)	a clear outline of the objective of the action;	<b>Section 1.1</b>
(d)	the location of the action;	<b>Section 1.0 and Figure 1.1</b>
(e)	the background to the development of the action;	<b>Section 1.3 and 2.2</b>
(f)	how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;	<b>Section 4.1.1</b>
(g)	the current status of the action;	Assessment pending
(h)	the consequences of not proceeding with the action.	<b>Section 1.6</b>
<b>2.</b>	<b>Description</b>	
2.01	A description of the action, including:	
(a)	all the components of the action;	<b>Section 3.0</b>
(b)	the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;	<b>Figure 1.3</b>
(c)	how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;	<b>Section 3.0</b>
(d)	relevant impacts of the action;	<b>Section 6.0</b>
(e)	proposed safeguards and mitigation measures to deal with relevant impacts of the action;	<b>Section 6.0 and Appendix 2</b>
(f)	any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action;	<b>Appendix 4 and Appendix 5</b>
(g)	to the extent reasonably practicable, any feasible alternatives to the action, including:	
	(i) if relevant, the alternative of taking no action;	<b>Section 1.6</b>
	(ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;	<b>Section 7.2 and Appendices 8, 9 and 11</b>
	(iii) sufficient detail to make clear why any alternative is preferred to another;	N/A
(h)	any consultation about the action, including:	
	(i) any consultation that has already taken place;	<b>Section 5.0, Section 6.7.3, Section 6.13 and Appendices 12 and 16</b>

Ref.	Description	Section/information
	(ii) proposed consultation about relevant impacts of the action;	<b>Sections 5.0, 6.7.3 and 6.13 and Appendices 12 and 16</b>
	(iii) if there has been consultation about the proposed action--any documented response to, or result of, the consultation;	<b>Sections 5.0, 6.7.3 and 6.13 and Appendices 12 and 16</b>
(i)	identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.	<b>Sections 5.0, 6.7.3 and 6.13 and Appendices 12 and 16</b>
<b>3.</b>	<b>Relevant impacts</b>	
3.01	Information given under paragraph 2.01 (d) must include:	
(a)	a description of the relevant impacts of the action;	<b>Section 6.0</b>
(b)	a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;	<b>Section 6.0</b>
(c)	a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;	<b>Section 6.0</b>
(d)	analysis of the significance of the relevant impacts;	<b>Section 6.0</b>
(e)	any technical data and other information used or needed to make a detailed assessment of the relevant impacts.	<b>Section 6.0</b>
<b>4.</b>	<b>Proposed safeguards and mitigation measures</b>	
4.01	Information given under paragraph 2.01(e) must include:	
(a)	a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;	<b>Section 6.0</b>
(b)	any statutory or policy basis for the mitigation measures;	<b>Section 4.0 and Section 6.0</b>
(c)	the cost of the mitigation measures;	This is included in the capital and operating costs for the Proposed Modification, which are included in the outcomes of the economic assessment in <b>Appendix 17</b>
(d)	an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;	<b>Section 2.2 and Section 6.0</b> Also refer to UC MPL website: <a href="https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans">https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans</a>
(e)	the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;	Various NSW government agencies as per PA 08_0184 Also refer to UC MPL website: <a href="https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans">https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans</a>
(f)	a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.	<b>Appendix 2</b>

Ref.	Description	Section/information
<b>5.</b>	<b>Other approvals and conditions</b>	
5.01	Information given under paragraph 2.01(f) must include:	
(a)	details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:	<b>Appendix 4 and Appendix 5</b>
	(i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy;	<b>Section 2.2</b>
	(ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;	<b>Section 2.2 and Appendix 5</b>
(b)	a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;	<b>Section 2.2</b>
(c)	a statement identifying any additional approval that is required;	<b>Appendix 4 and Appendix 5</b>
(d)	a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.	PA 08_0184 and <b>Section 6.0</b> Also refer to UCMPL website: <a href="https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans">https://www.glencore.com.au/operations-and-projects/coal/current-operations/ulan-coal/management-plans</a>
<b>6.</b>	<b>Environmental record of person proposing to take the action</b>	
6.01	Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:	
(a)	the person proposing to take the action; and	UCMPL has a satisfactory record of responsible environmental management. UCMPL was prosecuted by the NSW Environment Protection Authority (EPA) in 2001 under NSW legislation for an uncontrolled release of mine water into the receiving catchment. The incident was a result of pipe damage due to a fallen tree limb. Since this incident Burst Pipe Protection systems were upgraded and the overall surface water management system and the premises water management and monitoring systems, such as routine monitoring and inspection programs to reflect the risk level of these systems have all been upgraded. These are the only proceedings that have been brought against UCMPL in relation to the protection of the environment.
(b)	for an action for which a person has applied for a permit, the person making the application.	N/A

Ref.	Description	Section/information
6.02	If the person proposing to take the action is a corporation--details of the corporation's environmental policy and planning framework.	<p>The Proposed Modification would be undertaken in accordance with Glencore's 11.0 Environment Standard. UCMPL maintains an Environmental Management Strategy (EMS) for mining operations as required by Condition 1 of Schedule 5 of PA 08_0184. The EMS describes the controls, procedures and management plans, to protect and preserve environmental and community values; ensure adherence to regulatory and internal Glencore standard requirements and continually improve performance. This includes identification of areas required for management (aspects) and impact identification and management, monitoring and reporting and training of personnel.</p> <p>The EMS sets out responsibilities that all employees and contractors must adhere to in relation to minimising, mitigating and managing impacts to the environment. The EMS operates under a number of Management Plans in relation to noise and vibration, air quality (including dust), Aboriginal and European heritage, biodiversity, surface and groundwater, waste and chemicals, subsidence, rehabilitation and pollution incident response.</p> <p>Regular auditing is undertaken to assess performance and compliance with regulatory requirements in accordance with Schedule 5, Condition 8 of the Project Approval. Relevant monitoring programs and management plans will be modified as a result of the Proposed Modification if it is approved, and changes will be incorporated into the EMS as required. No major noncompliance or breach of conditions has occurred at the UCC.</p> <p>Copies of Management Plans, Annual Compliance reports, CCC meeting minutes, Community Newsletters, monitoring results and compliance audit reports are made available via UCMPL's website (see <a href="http://www.ulancoal.com.au">www.ulancoal.com.au</a> ).</p>
<b>7.</b>	<b>Information sources</b>	
7.01	For information given in a draft public environment report or environmental impact statement, the draft must state:	
(a)	the source of the information; and	<b>Section 9.0</b>
(b)	how recent the information is; and	<b>Section 9.0</b>
(c)	how the reliability of the information was tested; and	All references checked for reliability by relevant sub-consultants as part of internal quality procedures during assessments.
(d)	what uncertainties (if any) are in the information.	Refer to specific sub-consultant assessment reports contained in Appendices.