

## Appendix 3

# Statutory Compliance Summary



# Appendix 3 – Statutory Compliance Summary

**Table A3.1 Pre-Conditions**

Statutory Reference	Relevance	Reference
<b>Resources and Energy SEPP</b> Part 2.3	Part 2.3 of the Resources and Energy SEPP requires specific matters to be considered in relation to development applications for mining developments. Specifically, section 2.16 identifies non-discretionary development standards for mining and provides that the consent authority cannot impose more onerous standards in any approval in relation to the matters contained within.	<b>Table A3.4</b> of Amendment Report (2025)
Part 2.4	<p>Part 2.4 of the Resources and Energy SEPP, together with Clause 50A of the EP&amp;A Regulation, provide for the implementation of the NSW Government’s Strategic Regional Land Use Plan (SRLUP). The Gateway Process applies for projects located within Biophysical Strategic Agricultural Land (BSAL) and Critical Industry Cluster land (CIC land).</p> <p>Of relevance to Modification 6, the Gateway process applies to SSD located wholly or partially on BSAL that requires a new mining lease. Part of the Amended Modification 6 is located on land which will require conversion from an exploration licence to a mining lease, and as a result the SRLUP applies to this area.</p> <p>A Site Verification Report was prepared for Modification 6. The BSAL site verification assessment identified that there was no BSAL in this area.</p> <p>A Site Verification Certificate was issued on 5 July 2021 confirming that there was no BSAL within the BSAL assessment area (noting that the BSAL assessment area includes the Amended Modification 6 area).</p>	Section 4.0 of the Modification Report
<b>Biodiversity and Conservation SEPP</b> Chapter 3 and Chapter 4 Koala Habitat Protection	<p>Chapters 3 and 4 apply to the extent that the UWCO Modification is located within an LGA listed in the SEPP, and a consent authority is restricted from granting development consent for proposals on land identified as core koala habitat without the preparation of a plan of management. Chapter 3 applies to land zoned RU1 – Primary Production while Chapter 4 applies to the areas zoned C3 – Environmental Management.</p> <p>A Biodiversity Development Assessment Report (BDAR) has been prepared for Modification 6 and modified by the Addendum BDAR attached to the Amendment Report. While the direct impact area of the Amended Modification 6 contains a number of feed tree species for koalas, extensive surveys undertaken in accordance with <i>Koala (Phascolarctos cinereus) Biodiversity Assessment Method survey guide</i> (DPE, 2022) indicated that koala was not present. The direct impact area of the Amended Modification 6 is not considered to comprise important habitat for the koala. Consequently, the requirement for the preparation of a koala plan of management does not apply.</p>	<b>Section 6.1</b> of Amendment Report (2025)

**Table A3.2 Objects of the EP&A Act, Section 1.3**

Matters for Consideration	Relevance	Reference
<p>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,</p>	<p>The Amended Modification 6 will enable improved development of the State’s mineral resources, without impacting other State resources.</p> <p>The Modification Report and Amendment Report (2024) include comprehensive assessment of the positive and negative social, economic and environmental.</p> <p>This Amendment Report includes an overall assessment of the merits of the Amended Modification 6 having regard to these issues.</p>	<p>Section 6.0 and Section 8.0 of the Modification Report</p> <p>Section 6.0 and Section 7.0 of the Amendment Report (2024)</p> <p><b>Section 7.0</b> of Amendment Report (2025)</p>
<p>b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The Modification Report, Amendment Report (2024) and Amendment Report (2025) provide the consent authority with a comprehensive assessment of the positive and negative social, economic and environmental impacts associated with Modification 6.</p> <p>It is considered that the Amended Modification 6 is consistent with the principles of ecologically sustainable development including inter-generational equity and the precautionary principle.</p> <p>The stakeholder engagement processes and the public exhibition of the Modification 6 assessment documentation and further exhibition of this Amendment Report (2025) will provide opportunities for community views on the Amended Modification 6 to be provided and incorporated into the decision making processes of both the proponent and the consent authority.</p>	<p>Section 6.0 and Section 8.0 of the Modification Report</p> <p>ection 6.0 and Section 7.0 of the Amendment Report (2024)</p> <p><b>Section 7.0</b> of Amendment Report (2025)</p>
<p>c) to promote the orderly and economic use and development of land,</p>	<p>Amended Modification 6 is a ‘brownfields’ mining project and is an extension of an existing operating coal mine utilising existing infrastructure.</p> <p>Underground mining is permissible with consent in the area subject of Amended Modification 6. The overall merits of Amended Modification 6 are considered in the Modification Report which also includes a comprehensive assessment of alternatives.</p>	<p>Section 2.6 and Section 8.0 of the Modification Report</p>
<p>d) to promote the delivery and maintenance of affordable housing,</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

Matters for Consideration	Relevance	Reference
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Modification Report, Amendment Report (2024) and this Amendment Report (2025) include a comprehensive assessment of the potential impacts on terrestrial and aquatic ecosystems, undertaken in accordance with the requirements of the BC Act.	<b>Section 6.1</b> of Amendment Report (2025) Section 6.6 and Appendix 11 of the Modification Report Section 6.6 and Appendix 8 of the Amendment Report (2024)
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Modification Report, Amendment Report (2204) and Amendment Report (2025) include a comprehensive assessment of the potential impacts on built and cultural heritage.	Section 6.7, Section 6.8 and Appendix 12 of the Modification Report Section 6.7 of the Amendment Report (2024) <b>Section 6.2</b> of Amendment Report (2025)
g) to promote good design and amenity of the built environment,	Not applicable.	Not applicable
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Any additional surface infrastructure would be constructed and maintained to meet relevant workplace health and safety requirements.	Not applicable
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Relevant Government agencies were consulted during the preparation of the Modification Report, Amendment Report (2024) and this Amendment Report (2025) and will be provided an opportunity to review and provide submissions during the public exhibition period.  The views of agencies have been considered in the design of the Amended Modification 6 and will be considered as part of the assessment process.	<b>Section 5.0</b> of Amendment Report (2025) Section 5.0 of the Modification Report Section 5.0 of the Amendment Report (2024)
j) to provide increased opportunity for community participation in environmental planning and assessment.	The local and regional community have been provided with a range of opportunities to participate in the environmental assessment process. The Modification Report was placed on public exhibition during 2022. This Amendment Report (2025) will also be exhibited which will provide further opportunities for community participation in the planning and assessment of the proposal.	Submissions Report

**Table A3.3 Mandatory Considerations, EP&A Act Section 4.15(1)**

Mandatory Consideration	Relevance/Reference
a) i) any environmental planning instrument, and	<b>Section 4.0</b> and this Appendix.
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, and	Not applicable.
iii) any development control plan, and	Not applicable based on SSD provisions (section 2.10 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> ).
iv) 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	UCMPL has an existing voluntary planning agreement in place with Mid-Western Regional Council that will continue for the additional life of the operations resulting from Amended Modification 6.
v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Section 61(3) of the EP&A Regulation requires that development on land less than 200 km from the Siding Spring Observatory must consider the Dark Sky Planning Guideline (refer to <b>Section 6.3</b> ).
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,	Section 6.0 of the Modification Report, Section 6.0 of the Amendment Report (2024) and <b>Section 6.0</b> .
c) the suitability of the site for the development,	<b>Section 7.0</b> .
d) any submissions made in accordance with this Act or the regulations,	Submissions received on the Modification Report were addressed in the Submissions Report. Submissions will also occur post lodgement of this document.
e) the public interest.	Section 5.0, Section 6.13 and Appendix 17 of the Modification Report.

**Table A3.4 Application of Resources and Energy SEPP, Section 2.16**

Matter	Non-Discretionary Standard	Assessment Outcomes
<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.	All operational and construction noise levels from the Amended Modification 6 are predicted to comply with the relevant noise criteria at all receiver locations following the implementation of reasonable and feasible noise controls.  Refer to <b>Section 6.0</b> of this Amendment Report (2025) and Section 6.9 and Appendix 13 of the Modification Report.
<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.	Modelling results indicate that Amended Modification 6 will not cause exceedances of the air quality criteria at any sensitive receptor.  Refer to <b>Section 6.0</b> of this Amendment Report (2025) and Section 6.10 and Appendix 14 of the Modification Report.
<b>Airblast overpressure</b>	Airblast overpressure caused by the development does not exceed – <ul style="list-style-type: none"> <li>• 120 dB (Lin 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 Amended Modification 6 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 Amended Modification 6 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.	Refer to the Groundwater Impact Assessments in Appendix 8 of the Modification Report and Appendix 5 of the Amendment Report (2024).  All impacts have been identified as Level 1 – Acceptable with the exception of water pressure decline in Less Productive Porous or Fractured Rock Aquifers for which the impact is Level 2 and the current planning approval includes compensatory water supply requirements (which will continue for the Amended Modification 6).

**Table A3.5 Application of Resources and Energy SEPP, Section 2.17 to 2.23**

SEPP Section	Matter for Consideration	Relevance/Reference
2.17	Compatibility with other land uses	<p>The area surrounding the Amended Modification 6 includes approved underground mining, areas of native vegetation and agricultural activities with rural residences.</p> <p>Given the underground nature of the Amended Modification 6, it has been designed with consideration of maintaining compatibility with surrounding land uses and minimal environmental impact. The compatibility of the approved operations and Modification 6 with the surrounding land uses is considered in more detail in Section 6.0 and Section 8.0 of the Modification Report.</p>
2.18	Consideration of voluntary land acquisition and mitigation policy	<p>The assessments described in Section 6.0 of the Modification Report have indicated that the air and noise impacts associated with Modification 6 are generally consistent with those of the approved operations and achieve all relevant criteria. Amended Modification 6 does not result in impacts above criteria that would trigger the provisions of the Voluntary Land Acquisition and Mitigation Policy (VLAMP).</p>
2.19	Compatibility of proposed development with mining, petroleum production or extractive industry	<p>The Moolarben Coal Mine is located approximately 15 km south-east of the Modification 6 area, and the Wilpinjong Coal Mine is located approximately 23 km to the south-east. The geology within the area is well understood and the mine design aims to optimise resource recovery and to minimise the potential sterilisation of known coal resources in the area, without adversely impacting the adjoining mining operations. Other extractive industries in the area surrounding the UCC include quarrying operations of the Ulan Quarry (operated by Ulan Stone) and Bobadeen Quarry (operated by UCMPL).</p> <p>Amended Modification 6 will not adversely impact the Moolarben or Wilpinjong mining operations. UCMPL will continue to consult with neighbouring mining operations regarding matters such as any interaction issues and management of cumulative impacts. Amended Modification 6 will not adversely impact on any other extractive industry operations or known extractive material resources.</p>
2.20	Natural resource management and environmental management	<p>The consent authority is required to consider the impact of a proposed mining project on natural resources and whether specific environmental management conditions (relating to water resources, biodiversity and greenhouse gas emissions) should be imposed on the development if approved.</p> <p>Potential impacts from Modification 6 on natural resources is dealt with in detail in Section 6.0 of the Modification Report and Section 6.0 of the Amendment Report (2024). Where relevant, updated assessments are provided in <b>Section 6.0</b> of this Amendment Report, specifically <b>Section 6.1</b> (biodiversity) and <b>Section 6.4</b> (greenhouse gas). Specific commitments regarding the management of potential environmental impacts are contained in <b>Appendix 4</b>.</p>
2.21	Resource recovery	<p>The consent authority must have regard to the efficiency of a proposed mining development in terms of its ability to optimise extraction of the target resources. A key outcome of the Amended Modification 6 is the optimisation of the recovery of coal resources using the existing infrastructure of the UCC and the mine plan has been designed with efficiency of extraction as a key driver.</p>

<b>SEPP Section</b>	<b>Matter for Consideration</b>	<b>Relevance/Reference</b>
2.22	Transport	<p>The consent authority is required to consider whether or not the mining development should be subject to conditions restricting the use of public roads for product transport or other mining related traffic. All product coal from Amended Modification 6 will be transported to markets by rail (as currently approved) and no additional road traffic will be created, hence this section is not applicable.</p>
2.23	Rehabilitation	<p>This section requires the consent authority to have regard to whether or not to impose specific conditions regarding the rehabilitation of land affected by the proposed mining development.</p> <p>Decommissioning and rehabilitation following closure of operations will continue to be undertaken in accordance with UCMPL's approved rehabilitation strategies and UCC currently has conditions regulating the rehabilitation of the site which will apply to the Amended Modification 6.</p>