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# Appendix D

Updated statutory compliance

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A summary of the requirements of section 190 and 192 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and where they are addressed is provided in Table D.1. A list of all relevant statutory requirements for the Project is provided in Table D.2.

**Table D.1 EP&A Regulation section 190 and 192 requirements of an EIS**

Requirement	Where contained in the EIS
<b>Section 190 – form of EIS</b>	
(1) An environmental impact statement must contain the following information —	Certification page at the front of the EIS
a) the name, address and professional qualifications of the person who prepared the statement,	Certification page at the front of the EIS
b) the name and address of the responsible person (the applicant),	Certification page at the front of the EIS
c) the address of the land:	Certification page at the front of the EIS
i) to which the development application relates, or	
ii) on which the activity or infrastructure to which the statement relates will be carried out,	
d) a description of the development, activity or infrastructure,	Chapter 4 of the EIS and Appendix B of this Amendment Report
e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.	Chapters 7-26 of the EIS and the technical studies appended to the EIS. REAP declaration is also included at the front of the EIS.
(2) The person preparing the statement must have regard to —	
f) for State significant development—the State Significant Development Guidelines, or	The EIS was prepared having regard to the <i>State significant development guidelines – preparing an environmental impact statement</i> (Appendix B, DPIE 2022c).
g) for State significant infrastructure—the State Significant Infrastructure Guidelines.	The Submissions Report was prepared having regard to the <i>State significant development guidelines – preparing a submissions report</i> (Appendix C, DPIE 2022d).  This Amendment Report has prepared having regard to the <i>State significant development guidelines – preparing an amendment report</i> (Appendix D, DPIE 2022b).
(3) An environmental impact statement must also contain a declaration by the person who prepared the statement of the following—	Certification page at the front of the EIS
a) the statement has been prepared in accordance with this Regulation, and	
b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and	
c) the information contained in the statement is not false or misleading, and	
d) for State significant development or State significant infrastructure—the statement contains the information required under the <i>Registered Environmental Assessment Practitioner Guidelines</i> .	
<b>Section 192 – content of environmental impact statement</b>	
(1) An environmental impact statement must contain the following —	
a) a summary of the EIS,	Executive summary of the EIS and this Amendment Report

Requirement	Where contained in the EIS
b) a statement of the objectives of the development, activity or infrastructure,	Chapter 1 of the EIS and this Amendment Report
c) an analysis of feasible alternatives to the carrying out the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Chapter 2 and Appendix D of the EIS
d) an analysis of the development, activity or infrastructure, including:	
i) a full description of the development, activity or infrastructure, and	Chapter 4 of the EIS and Appendix B of this Amendment Report
ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and	Chapters 7–26 of the EIS and Chapter 6 of this Amendment Report
iii) the likely impact on the environment of the development, activity or infrastructure, and	Chapters 7–26 of the EIS and Chapter 6 of this Amendment Report
iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Chapters 7–26 of the EIS and Chapter 6 of this Amendment Report
v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out,	Chapter 5 and Appendix F of the EIS, and Chapter 4 and Appendix D of this Amendment Report
e) a compilation, in a single section of the EIS, of the measures referred to in paragraph (d)(iv),	Chapter 27 of the EIS and Appendix C of this Amendment Report
f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.	Chapter 28 of the EIS and Chapter 7 of this Amendment Report

**Table D.2 List of statutory considerations**

Legislation	Relevance	Compliance/consistency of the Project
<b>Commonwealth Legislation</b>		
<i>Biosecurity Act 2015</i>	<ul style="list-style-type: none"> <li>Weeds have been recorded within the Project area and construction of the Project has potential to spread weeds if not appropriately managed.</li> <li>A variety of feral animals are also found within the project area.</li> </ul>	<ul style="list-style-type: none"> <li>A biodiversity assessment has been prepared to determine impacts to biodiversity values and considered the key threatening processes associated with feral species and introduction and spread of weeds. This assessment is documented in a biodiversity development assessment report (BDAR). A copy of the BDAR was provided in Appendix L of the EIS. A revised BDAR is provided as Appendix H to this Amendment Report.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<ul style="list-style-type: none"> <li>A referral was submitted to DCCEEW for the Project regarding potential impacts to listed threatened species and ecological communities, and water resources, to determine if it is a controlled action under the EPBC Act. At the time of EIS submission, DCCEEW's determination is still pending. However, it is likely that approval under Part 3, Division 1 of the EPBC Act will be required for the Project.</li> </ul>	<ul style="list-style-type: none"> <li>If DCCEEW determine that the Project is a controlled action, approval will be sought separately under the EPBC Act.</li> </ul>
<i>National Greenhouse and Energy Reporting Act 2007</i>	<ul style="list-style-type: none"> <li>Under the <i>National Greenhouse and Energy Reporting Act 2007</i> (NGER Act), constitutional corporations in Australia that exceed thresholds for GHG emissions or energy production, or consumption are required to measure and report data to the Clean Energy Regulator on an annual basis.</li> <li>Part 3H of the NGER Act sets out a Safeguard Mechanism to ensure that net covered emissions of GHGs from the operation of a designated large facility do not exceed the baseline applicable to the facility.</li> <li>A facility is a designated large facility for a financial year if the number of tonnes of carbon dioxide equivalence of the total amount of covered emissions of GHGs from the operation of the facility during the year exceeds the number specified in the safeguard rules.</li> <li>The <i>National Greenhouse and Energy Reporting (Measurement) Determination 2008</i> identifies methodologies to account for GHGs from specific sources relevant to the Project. This includes emissions of GHGs from direct fuel combustion (fuels for transport energy purposes), emissions associated with consumption of power from direct combustion of fuel (eg diesel generators used during construction), and from consumption of electricity from the grid.</li> <li>HVO currently reports its emissions under the NGER Act.</li> </ul>	<ul style="list-style-type: none"> <li>A GHG assessment of the Project has been prepared to determine the quantities of GHG predicted to be emitted by the Project. A copy of the GHG assessment is provided in Appendix H of the EIS. A revised GHG assessment is presented in Appendix E of this Amendment Report and summarised in Section 6.1.</li> <li>The Safeguard Mechanism applies to the amended Project. Net emissions from the amended Project, if approved, will decline in accordance with the timeframes and quantitative performance expectations of the Safeguard Mechanism and the NZF Act. In addition to managing emissions in a way that is consistent with its obligations under the Safeguard Mechanism, HVO has committed to go beyond its Safeguard Mechanism obligations to make an additional, voluntary contribution towards the NSW emissions reduction targets.</li> <li>A description of how the Project aligns with federal and state policies relating to GHG, and the mitigation measures committed to reduce GHG emissions from the Project is provided in Chapter 2 (strategic context) and Chapter 9 of the EIS, and in Chapter 2 and Appendix E of this Amendment Report.</li> </ul>
<i>Native Title Act 1993</i>	<ul style="list-style-type: none"> <li>There are no native title claims currently over the Project area.</li> </ul>	<ul style="list-style-type: none"> <li>Native title has been demonstrated to have been extinguished in all locations where HVO intends to undertake future acts as part of the amended Project, except for the HVLP product coal stockpile extension area option. Further work will be undertaken on this parcel of land prior to disturbance to confirm extinguishment of native title and the approach for suitable tenure over this parcel of land.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<b>NSW Legislation</b>		
<i>Biodiversity Conservation Act 2016</i>	<ul style="list-style-type: none"> <li>Section 7.14(2) states “that the Minister for Planning, when determining in accordance with the EP&amp;A Act any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values”.</li> <li>As SSD, the Project is subject to the Biodiversity Offsets Scheme, including assessment of the project using the biodiversity assessment method (BAM), and is also stipulated as a requirement in the SEARs.</li> <li>The Project will impact threatened ecological communities, species and their habitats listed under the BC Act and impacts require offsetting.</li> </ul>	<ul style="list-style-type: none"> <li>A biodiversity assessment has been prepared to determine impacts to biodiversity values. This assessment has been undertaken using the BAM and is documented in a BDAR, which has been prepared by accredited persons under the BC Act. A copy of the BDAR was provided in Appendix L of this EIS. A revised BDAR is provided as Appendix H to this Amendment Report.</li> </ul>
<i>Coal Mine Subsidence Compensation Act 2017</i>	<ul style="list-style-type: none"> <li>Under section 22(1) of the Act, 'an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made in a form approved by the Chief Executive'.</li> <li>The Project is within the Patrick Plains mine subsidence district.</li> </ul>	<ul style="list-style-type: none"> <li>The amended Project proposes some additional surface infrastructure to facilitate the continued operation of HVO, including the realignment of Lemington Road and upgrades to coal storage and transfer infrastructure at the Newdell LP or the Hunter Valley LP. Additional upgrades are also proposed to existing mine infrastructure areas.</li> <li>Approval under section 22 will be sought for new and upgraded infrastructure proposed by the Project where applicable.</li> </ul>
<i>Contaminated Land Management Act 1997 (NSW)</i>	<ul style="list-style-type: none"> <li>Some areas of known and potential contamination occur within the Project area.</li> <li>Contamination assessments have previously been conducted across the HVO Complex. These studies found the site is suitable for ongoing mining related land use, subject to the continued implementation of the site hydrocarbon practices and Pollution Incident Response Management Plan.</li> </ul>	<ul style="list-style-type: none"> <li>A review of previous contamination assessments was undertaken in the context of the Project, which found that contamination identified during previous investigations is not anticipated to present an unacceptable risk to on or off-site human and ecological receptors. Further, the presence of the identified contamination would not preclude the continuation and further development of existing mining operations within the Project area.</li> <li>The outcomes of the contamination assessment are provided in Chapter 22 of the EIS and remain applicable to the amended Project.</li> </ul>
<i>Crown Land Management Act 2016</i>	<ul style="list-style-type: none"> <li>The additional disturbance area impacts portions of Crown land and roads.</li> </ul>	<ul style="list-style-type: none"> <li>An appropriate authorisation will be obtained under the Act to enable the occupation and use of the identified Crown land and roads.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<i>Dams Safety Act 2015 and Dams Safety Regulation 2019</i>	<ul style="list-style-type: none"> <li>• A dam may be declared if it has a dam wall higher than 15 m, or if it would cause major or catastrophic damage or loss or endanger the life of a person if it failed.</li> <li>• There are five declared dams at HVO – the South East TSF, Lake James, Lemington Mine Tailings Dam, Parnells Dam and the Riverview Void in-pit water storage.</li> </ul>	<ul style="list-style-type: none"> <li>• The amended Project involves an increase in the capacity of two declared dams, Parnells Dam at HVO North and Lake James at HVO South.</li> </ul>
<i>Electricity Supply Act 1995</i>	<ul style="list-style-type: none"> <li>• The Project requires relocation of transmission lines to ensure continued electricity network supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation with the relevant infrastructure owners (Ausgrid, AGL and Transgrid) has been undertaken for the Project and is ongoing. Powerline relocation will occur in consultation and with approval from the electricity supply authority.</li> </ul>
<i>Environmental Planning and Assessment Act 1979</i>	<ul style="list-style-type: none"> <li>• The Project is SSD and subject to the relevant content and form provisions of the EP&amp;A Regulation.</li> </ul>	<ul style="list-style-type: none"> <li>• Consistency with the objects of the Act is discussed in Chapter 28 of the EIS and Section 7.5 of this Amendment Report.</li> <li>• An assessment of the Project against the principles of ESD is also provided in Chapter 28 of the EIS and Section 7.7.1i of this Amendment Report.</li> <li>• The matters for consideration under section 4.15 of the Act are addressed as follows: <ul style="list-style-type: none"> <li>– relevant environmental planning instruments – Appendix F of the EIS and this table</li> <li>– any development control plan – not applicable due to section 2.10 of the Planning Systems SEPP</li> <li>– any planning agreement that has been entered into, or any draft planning agreement As described in Table 4.2 of this Amendment Report, HVO has achieved in principle agreement with Singleton Council on the terms of a proposed voluntary planning agreement (VPA), and consultation with Muswellbrook Shire Council on a VPA is ongoing.</li> <li>– the regulations – refer to Table F.1 in the EIS and Table D.1 in this Amendment Report</li> <li>– the likely impacts of the development – refer to Chapters 7–26 of the EIS and Chapter 7.7 of this Amendment Report</li> <li>– the suitability of the site – refer to Chapter 27 of the EIS, which remains applicable to the amended Project.</li> <li>– any submissions made in accordance with the Act of regulations – comments received on the EIS during the public exhibition period has been responded to in a Submissions Report (EMM 2023a)</li> <li>– the public interest – refer to Chapter 28 of the EIS and Chapter 7 of this Amendment Report.</li> </ul> </li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<i>Fisheries Management Act 1994</i>	<ul style="list-style-type: none"> <li>The HVO Complex is within the catchment of the Hunter River and some of its tributaries, including Parnells, Farrells, Pikes, and Bayswater Creeks, Wollombi Brook, and a number of unnamed tributaries. The Project will not intercept new catchments.</li> <li>The Project includes works within a waterway, including the construction of a bridge over the Hunter River as part of the realignment of Lemington Road.</li> </ul>	<ul style="list-style-type: none"> <li>Purple-spotted Gudgeon are mapped as occurring in some tributaries of the Hunter River, including Wollombi Brook. An assessment of significance for this species is included in Appendix A of the Aquatic Ecology and Groundwater Dependant Ecosystem Assessment prepared for the Project (ELA 2022, refer to Appendix M of the EIS) and Appendix J of this Amendment Report. The assessments concluded that the amended Project is not considered a threat to this species.</li> <li>There are no other threatened species, populations or communities listed under the FM Act that are likely to use the Project Area or depend on it for habitat.</li> </ul>
<i>Heritage Act 1977</i>	<ul style="list-style-type: none"> <li>No listed items of historic heritage significance occur within the additional disturbance areas associated with the Project.</li> </ul>	<ul style="list-style-type: none"> <li>No direct impacts to listed items of historic heritage significance will occur as a result of the amended Project.</li> <li>A Historic Heritage Assessment has been prepared for the Project and is provided in Appendix O of the EIS. This assessment remains applicable to the amended Project.</li> </ul>
<i>National Parks and Wildlife Act 1974</i>	<ul style="list-style-type: none"> <li>Aboriginal objects are known to occur and have been recorded within the Project area during project surveys.</li> </ul>	<ul style="list-style-type: none"> <li>An assessment of potential impacts on Aboriginal cultural heritage has been undertaken for the Project. The Aboriginal Cultural Heritage Assessment was included as Appendix N to the EIS, an ACHA addendum (EMM 2023c) was provided as Appendix C to the Submissions Report and an Aboriginal heritage advice report (EMM 2025c) is attached as Appendix K to this Amendment Report.</li> <li>At HVO North, the amended Project has been designed to continue the avoidance of an Aboriginal site known as CM-CD1. CM-CD1 is currently afforded protection under the existing HVO North development consent.</li> </ul>
<i>Mining Act 1992</i>	<ul style="list-style-type: none"> <li>Additional conversion of existing exploration licences (ELs) to mining leases (MLs) will be required to enable the Project in some areas.</li> </ul>	<ul style="list-style-type: none"> <li>Figure 5.1 in Chapter 5 of the EIS shows the areas in which ELs require conversion to MLs for the Project. The required SVC's have been issued for these areas.</li> </ul>
<i>Protection of the Environment Operations Act 1997</i>	<ul style="list-style-type: none"> <li>The HVO Complex currently operates under one Environment Protection Licence (EPL) 640.</li> </ul>	<ul style="list-style-type: none"> <li>EPL 640 will be varied as required if the Project is approved.</li> </ul>
<i>Roads Act 1993</i>	<ul style="list-style-type: none"> <li>A consent is required under section 138 to work on or above a road or to connect a road to a classified road.</li> <li>The Project involves works on Lemington Road and Liddell Station Road.</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of road impacts has been undertaken and provided in a traffic impact assessment in Appendix R of the EIS, which remains applicable to the amended Project.</li> <li>Approval will be sought from the appropriate road authority (Singleton Council) for the realignment (closure and reopening) of Lemington Road, and the closure of part of Liddell Station Road to enable the extension of the HVLP product coal stockpile, if required.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<i>Rural Fires Act 1997</i>	<ul style="list-style-type: none"> <li>The Project occurs within bushfire prone land.</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of bushfire risk and management has been undertaken and provided in Chapter 22 of the EIS. This remains applicable to the amended Project.</li> </ul>
<i>Waste Avoidance and Resource Recovery Act 2001</i>	<ul style="list-style-type: none"> <li>Reuse and/or disposal of waste on site.</li> <li>Disposal of waste offsite.</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of the waste hierarchy has been undertaken and provided in Chapter 25 of the EIS. This remains applicable to the amended Project.</li> </ul>
<i>Water Management Act 2000</i>	<ul style="list-style-type: none"> <li>HVO holds a number of water access licences (WALs) under the Water Sharing Plan (WSP) for the Hunter Regulated River Water Source 2016, the WSP for the Hunter Unregulated and Alluvial Water Sources 2009 and the WSP for the North Coast Fractured and Porous Rock Groundwater Sources 2016.</li> </ul>	<ul style="list-style-type: none"> <li>The predicted impacts of the Project on water resources are discussed in the Water Assessment in Appendix K of the EIS and Appendix I of this Amendment Report.</li> <li>HVO holds considerable water entitlement in the relevant surface water and groundwater sources in the Project area, which is sufficient to account for the predicted direct and indirect take in most water sources. Prior to the groundwater take occurring, HVO will either apply to convert sufficient existing unregulated river entitlements to aquifer entitlements or purchase entitlement via the open market to account for the small predicted indirect groundwater take in the Jerrys Water Source (4 ML/yr during operations and up to 26 ML/yr post-mining). Take associated with runoff captured from storages on non-minor streams within the Jerry water source (Jerrys management zone) during the closure transition period that exceeds HVO's existing entitlement will be sourced from the open market (including trade, in accordance with the water sharing plan rules). A water licensing strategy for the amended Project is included in Appendix I (EMM 2025d).</li> </ul>
<i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i>	<ul style="list-style-type: none"> <li>Numerous duties and obligations relating to ensuring workplace safety conferred by the Act.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of safety risks to workers during construction activities will form part of the management measures and plans to be prepared and must comply with the WHS Act and Regulations.</li> <li>Consideration of DPIE's guideline <i>Applying SEPP 33 (2011)</i> has been undertaken and an assessment of public safety risks is provided in Chapter 22 of the EIS. This remains applicable to the amended Project.</li> </ul>
<b>Environmental Planning Instruments</b>		
<i>State Environmental Planning Policy (Resources and Energy SEPP)</i>	<ul style="list-style-type: none"> <li><b>Section 2.16</b> – non-discretionary development standards for mining, relating to:</li> </ul>	<ul style="list-style-type: none"> <li>Assessment outcomes against the non-discretionary standards are as follows:</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
	<ul style="list-style-type: none"> <li>– <b>2.16(3) Cumulative noise levels:</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.</li> </ul>	<ul style="list-style-type: none"> <li>– The noise impact assessment found that noise levels are predicted to meet or be below the recommended amenity noise levels listed in Table 2.2 of the NPfI, except for receptor 308 in noise assessment group (NAG) 3 (Jerrys Plains South). This receptor currently has voluntary noise mitigation rights for HVO South and voluntary noise acquisition rights with UWJV.</li> <li>– The full noise impact assessment is provided in Appendix I to the EIS and Appendix G if this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>– <b>2.16(4) Cumulative air quality levels:</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.</li> </ul>	<ul style="list-style-type: none"> <li>– The air quality assessment predicts compliance with the criterion for annual average PM<sub>10</sub> (25 µg/m<sup>3</sup>) at all private sensitive receptors that are not already subject to air quality acquisition rights, with the exception of receptor 121.</li> <li>– The air quality assessment predicts compliance with the criterion for annual average PM<sub>2.5</sub> (8 µg/m<sup>3</sup>) at all private sensitive receptors that are not already subject to air quality acquisition rights, with the exception of receptor 121.</li> <li>– The full air quality assessment is provided in Appendix H to the EIS and Appendix F of this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>– <b>2.16(5) Airblast overpressure:</b> Airblast overpressure caused by the development does not exceed: <ul style="list-style-type: none"> <li>a) 120 dB (Lin Peak) at any time, and</li> <li>b) 115 dB (Lin Peak) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– The blast assessment undertaken for the Project confirms that airblast overpressure levels can be managed effectively to ensure the non-discretionary airblast overpressure criteria is not exceeded at any private residences or potentially sensitive receivers. Any overpressure levels more than the criteria would only occur subject to a negotiated agreement with the owner of the residence or sensitive receptors.</li> <li>– The full blast and vibration assessment is provided in Appendix J to the EIS and remains applicable to the amended Project.</li> </ul>
	<ul style="list-style-type: none"> <li>– <b>2.16(6) Ground vibration:</b> Ground vibration caused by the development does not exceed <ul style="list-style-type: none"> <li>a) 10 mm/sec (peak particle velocity) at any time, and</li> <li>b) 5 mm/sec (peak particle velocity) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– The blast assessment undertaken for the Project confirms that vibration levels can be managed effectively to ensure the non-discretionary airblast overpressure criteria is not exceeded at any private residences or potentially sensitive receivers. Any vibration levels more than the criteria would only occur subject to a negotiated agreement with the owner of the residence or sensitive receptors.</li> <li>– The full blast and vibration assessment is provided in Appendix I to the EIS and remains applicable to the amended Project.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
	<ul style="list-style-type: none"> <li>– <b>2.16(7) 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.</li> </ul>	<ul style="list-style-type: none"> <li>– A full assessment of the Project against the minimal impact consideration of the AIP is provided in the Water Assessment Report, which is attached in Appendix K to the EIS and Appendix I of this Amendment report. Key findings are: <ul style="list-style-type: none"> <li>▪ There are no known privately owned water supply bores within the zone where groundwater drawdown is predicted to exceed the AIP threshold for minimal impact of 2 m.</li> <li>▪ There is no predicted change to the water quality or beneficial use category of the alluvial groundwater or connected surface water sources.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.17</b> - Compatibility of proposed mine, petroleum production or extractive industry with other land uses</li> </ul>	<ul style="list-style-type: none"> <li>• HVO is within a well-established coal mining and power generation region in the Hunter Valley and is one of the oldest mines in the Hunter Valley. Mining has been ongoing at HVO for over 75 years.</li> <li>• The general area surrounding the HVO Complex contains many operating and former open-cut and underground coal mining operations. Existing open cut pits, mine-related infrastructure and rehabilitated former mining areas are to the north, south-east and south-west of the HVO Complex. Surrounding operating mines include Glencore’s Ravensworth Operations and the Mount Owen Complex, as well as United-Wambo (a Glencore and Peabody JV), Peabody’s Wambo Underground Mine and Yancoal’s Mount Thorley and Warkworth mines and Ashton. These mines are supported by an extensive network of access roads, rail lines and rail loops, coal preparation plants, water management infrastructure and tailings dams. AGL’s Bayswater and Liddell power stations are to the north-west of HVO, noting that Liddell power station was decommissioned in April 2023.</li> <li>• Other land uses in the immediate vicinity include agriculture related uses (grazing and cropping). The Project is not predicted to have any adverse impacts on agricultural production in the surrounding area. The Project’s impacts on agricultural production are discussed in more detail in Appendix Q of the EIS and Table 6.61 of this Amendment Report.</li> <li>• Further detail on the suitability of the site is provided in Chapter 28 of the EIS, which remains applicable to the amended Project.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
	<ul style="list-style-type: none"> <li>• <b>Section 2.18</b> – consideration of voluntary land acquisition and mitigation policy, and any applicable provisions of the policy relating to the acquiring of land affected by those impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• Noise: Noise levels are predicted to be below the VLAMP criteria (i.e. acceptable amenity noise level plus 5 dB) at all privately owned land areas.</li> <li>• Air quality: The assessment found that the Project may contribute to an exceedance of the criteria for annual average PM<sub>10</sub> and PM<sub>2.5</sub> on more than 25% of privately owned land where a dwelling could be built under existing planning controls at two properties: <ul style="list-style-type: none"> <li>– 8//3005 (receptor 121). This receptor currently has mitigation rights for air quality and noise under the HVO South Project Approval.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.19</b> – compatibility of proposed development with mining, petroleum or extractive industry</li> </ul>	<ul style="list-style-type: none"> <li>• HVO has been successfully operating for over 75 years within a well-established coal mining and power generation region in the Hunter Valley, and is surrounded by numerous mines, the majority of which are operated by Glencore and Yancoal (HVO is owned by subsidiary companies of Yancoal and Glencore).</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.20</b> – natural resource management and environmental management</li> </ul>	<ul style="list-style-type: none"> <li>• The Project’s potential impact on natural resources is discussed in detail, specifically: <ul style="list-style-type: none"> <li>– Water resources: Chapter 12 of the EIS and Section 6.5 of this Amendment Report.</li> <li>– Biodiversity: Chapter 13 of the EIS and Section 6.4 of this Amendment Report.</li> <li>– GHG: Chapter 9 of the EIS and Section 6.1 of this Amendment Report.</li> </ul> </li> <li>• Section 2.20 (2) of the SEPP requires that the consent authority consider an assessment of the GHG emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning GHG. Appendix E quantifies the GHG associated with the Project (including downstream emissions) and a detailed discussion on the consistency of the Project with relevant domestic and international policies is provided in Chapter 2 of the EIS and this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.21</b> – Resource recovery</li> </ul>	<ul style="list-style-type: none"> <li>• Significant coal resources remain across the HVO Complex beyond what is currently approved for extraction. The Project will enable the recovery of approximately an additional 430 Mt of ROM coal from within existing tenements using existing infrastructure. If the Project does not proceed and HVO is rehabilitated as per existing approvals, the economic costs associated with recommencing operations are likely to preclude the economic viability of mining the coal in these deeper seams.</li> <li>• Further discussion on resource recovery is contained in Section 2.4.5 of the EIS and Appendix B of this Amendment Report. Appendix D of the EIS also contains a Mine Plan Options Report which describes the mining options considered so that the resource is recovered as efficiently as possible.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
	<ul style="list-style-type: none"> <li>• <b>Section 2.22</b> – Transport</li> </ul>	<ul style="list-style-type: none"> <li>• All product coal will continue to be transported to the Port of Newcastle by rail. In the unlikely event of an emergency or issue with coal conveyance infrastructure, coal can be transported via truck between CPPs, LPs and the RCT.</li> <li>• The road traffic impacts and commitments relating to the realignment of a section of Lemington Road is provided in Chapter 19 of the EIS and Chapter 6 of the HVO North Amendment Report (EMM 2023b), which remains applicable to the amended Project (as described in Table 6.61 of this Amendment Report)</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.23</b> – Rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>• The amended Project will provide the opportunity to contemporise the HVO final landform by incorporating natural landform design principles. Areas disturbed by mining activities as a result of the amended Project will reflect a landform that is sympathetic to the surrounding landscape.</li> <li>• Areas disturbed as part of the Project will be progressively rehabilitated following mining. Rehabilitation and closure is discussed in Section 6.9 and a conceptual final landform design report is attached as Appendix N to this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Section 2.26</b> – Site verification certificates</li> </ul>	<ul style="list-style-type: none"> <li>• Additional conversion of existing exploration licences (ELs) to mining leases (MLs) will be required to enable the Project in some areas. Accordingly, a BSAL assessment was undertaken for these areas, and the required SVC's have been issued (SVC 12575722 and SVC 41389276).</li> </ul>
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<ul style="list-style-type: none"> <li>• Development likely to affect an electricity transmission or distribution network (Division 5 Subdivision 2).</li> <li>• Development in or adjacent to a rail corridor (Division 15 Subdivision 2).</li> <li>• Development in or adjacent to road corridors and road reservations (Division 17 Subdivision 2).</li> </ul>	<ul style="list-style-type: none"> <li>• The amended Project includes the relocation of electricity transmission lines (refer to Section 4.4.5 and 4.5.5 of the EIS). The relocation of this infrastructure will be undertaken in consultation with the relevant owners and operators of this infrastructure.</li> <li>• The proposed extension to the HVLP product stockpile is adjacent to the rail corridor. Works will be undertaken in consultation with the relevant owners and operators of this infrastructure.</li> <li>• The amended Project involves the realignment of part of Lemington Road, and the closure of part of Liddell Station Road to enable the extension of the HVLP product coal stockpile. The required approvals will be sought for these activities from the relevant road authorities.</li> <li>• The Project area has been amended as part of this Amendment Report as a result of potential conflicts with the proposed EnergyCo Hunter Transmission Project (SSI-70610456).</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<ul style="list-style-type: none"> <li>Storage and transport of dangerous goods during the construction of the project.</li> <li>Some areas of known and potential contamination occur within the Project area.</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of DPIE’s guideline <i>Applying SEPP 33</i> (2011) has been undertaken and provided in Chapter 22 of the EIS.</li> <li>A review of previous contamination assessments was undertaken in the context of the Project, which found that contamination identified during previous investigations is not anticipated to present an unacceptable risk to on- or off-site human and ecological receptors. Further, the presence of the identified contamination would not preclude the continuation and further development of existing mining operations within the Project area.</li> <li>The outcomes of the contamination assessment are provided in Chapter 22 of the EIS and remain applicable to the amended Project.</li> </ul>
<p><i>Singleton Local Environmental Plan 2013</i> (Singleton LEP)</p>	<ul style="list-style-type: none"> <li>The majority (approximately 96%) of the Project is on land within the Singleton LGA.</li> </ul>	<ul style="list-style-type: none"> <li>Except for a small section along the realigned Lemington Road corridor, the Project area is largely on land zoned RU1 – Primary Production in the Singleton LGA with a small area on land zoned SP2 Infrastructure. Open cut mining is permissible with development consent in the RU1 zone and no mining is proposed in the SP2 zone as part of the Project. The objectives of the RU1 zone, and how the Project meets these objectives, is outlined in Table 2.3 of Chapter 2 in the EIS, and remain applicable to the amended Project.</li> <li>A small section of the realigned Lemington Road corridor in the proposed HVO North development consent boundary is in an area currently zoned C2 – Environmental Conservation under the Singleton LEP. Roads are permitted with consent in the C2 zone. It is noted that this area is currently subject to subdivision between HVO and Mount Thorley Warkworth Operations (MTW) in accordance with the Warkworth consent SSD 5464 (as modified). This will result in the rezoning of C2 zone land to RU1 zone land by the time of determination of the amended Project. Roads are also permitted in the RU1 zone.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
	<ul style="list-style-type: none"> <li>Section 5.10 – heritage conservation: requires development consent for projects that demolish, move or alter a heritage item or an Aboriginal object.</li> </ul>	<ul style="list-style-type: none"> <li>One unlisted historic heritage item of potential local significance, remnant stockyards, is within the Project disturbance area, and will be removed by the amended Project. Archival recording of this item will occur before removal.</li> <li>The Project has been designed to continue avoidance of the Aboriginal heritage site, CM-CD1 at HVO North. A number of Aboriginal heritage sites are within the Project disturbance area that will be salvaged prior to disturbance.</li> <li>A full description of the Project’s impacts on historic heritage and proposed mitigation measures are described in Chapter 16 and Appendix O of the EIS and remains applicable to the amended Project. Aboriginal cultural heritage is described in Section 6.6 and Appendix K of this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>Section 7.6 – riparian land and watercourses: which requires development consent for projects on land identified as riparian land on the Riparian Lands and Watercourses Map.</li> </ul>	<ul style="list-style-type: none"> <li>The Riparian Lands and Watercourses Map shows the Hunter River and tributaries on the map. The impacts on surface water resources, including the Hunter River, is described in Appendix K of the EIS and Appendix I of this Amendment Report.</li> </ul>
	<ul style="list-style-type: none"> <li>Section 5.21 – flood planning: which requires development consent for projects that are within a flood planning area.</li> </ul>	<ul style="list-style-type: none"> <li>A flood planning area is defined in the Floodplain Development Manual. This area identified along the Hunter River is considered in the Surface Water assessment, in Appendix K of the EIS and Appendix I of this Amendment Report.</li> </ul>

Legislation	Relevance	Compliance/consistency of the Project
<p><i>Muswellbrook Local Environmental Plan 2009</i></p>	<ul style="list-style-type: none"> <li>A small portion (up to 4%) of the Project area is contained within the Muswellbrook LGA.</li> </ul>	<ul style="list-style-type: none"> <li>Within the Muswellbrook LGA, the Project is primarily on land zoned RU1 – Primary Production under the Muswellbrook LEP, and a small section zoned SP2 – Infrastructure, as shown in Figure 2.3 of the EIS.</li> <li>Minor works related to the relocation of transmission lines are proposed within the SP2 zone as part of the Project. Development for the purposes of mining is prohibited in this zone. However, section 4.38 (3) of the EP&amp;A Act states that development consent for SSD may be granted despite the development being partially prohibited by an environmental planning instrument. No other activities are proposed in the area zoned SP2 as part of the amended Project.</li> <li>Works within the RU1 zone will be limited to upgrades of coal handling facilities and transmission line infrastructure (i.e. the upgrade of the Newdell LP train loading facility, including construction of a new product coal stockpile and train loading bin, or the extension of the HVLP product stockpile and the construction of a new 66 kV Ausgrid transmission line). The proposed works will occur within an area that is not currently used for primary production and already contains coal handling and loading infrastructure, or, in case of the HVLP extension, in an area that that has been verified as non-BSAL and an SVC (no. 41389276) has been issued accordingly. Development for the purpose of open cut mining is permissible with development consent within the RU1 zone.</li> </ul>