MOOLARBEN COAL COMPLEX
OC3 EXTENSION PROJECT

ENVIRONMENTAL IMPACT STATEMENT

ATTACHMENT 7

Relevant Environmental Planning Instruments and Legislation

YANCOAL
兖煤澳大利亚有限公司
MOOLARBEN COAL

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A7 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND LEGISLATION

This Attachment supports Section 4 of the main text of the Environmental Impact Statement (EIS) by providing further discussion of mandatory considerations relevant to the Moolarben Coal Complex OC3 Extension Project (the Project), other key regulatory approvals and also summarises the compliance of the Project with relevant statutory requirements.

Summary tables of applicable pre-conditions to granting approval and mandatory matters for consideration are provided in Section 4.

References to Sections 1 to 7 in this Attachment are references to Sections in the main text of the EIS. References to Appendices A to S in this Attachment are references to Appendices of the EIS. Internal references within this Attachment are prefixed with “A7”.

A7.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

A7.1.1 Environmental Planning and Assessment Act 1979

The objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) are outlined in section 1.3 of the EP&A Act, with the following objects of relevance to the Project:

- 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 (1.3(a)).
- Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment (1.3(b)).
- Promote the orderly and economic use and development of land (1.3(c)).
- Protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats (1.3(e)).
- Promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) (1.3(f)).
- Promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State (1.3(i)).
- Provide increased opportunity for community participation in environmental planning and assessment (1.3(i)).

The analysis conducted in this EIS has found that the proposed Project is consistent with the objects of the EP&A Act. Further discussion of the Project’s alignment with these objectives is provided in Section 7.

Consultation and Concurrence

Section 4.13 of the EP&A Act details the consultation and concurrence requirements for development applications, as follows:

> *(1)* ***General***
> *If, by an environmental planning instrument, the consent authority, before determining the development application, is required to consult with or to obtain the concurrence of a person, the consent authority must, in accordance with the environmental planning instrument and the regulations, consult with or obtain the concurrence of the person, unless the consent authority determines to refuse to grant development consent.*
>
> *(2) However, if, by an environmental planning instrument, the Minister, before determining a development application, is required to obtain the concurrence of a person, the Minister is required only to consult with the person.*

Subsection 4.13(2A) specifies that the section does not apply to State Significant Development unless the requirement of an environmental planning instrument for consultation or concurrence specifies that it applies to State Significant Development.

Mandatory Considerations

Matters that the consent authority is required to consider in deciding whether to grant approval for the Project are defined in section 4.15 of the EP&A Act, and relevantly include:

- the provisions of any applicable environmental planning instrument (or proposed instrument that is or has been the subject of public consultation and has been notified to the consent authority)[1];

[1] Section 1.4 of the EP&A Act states:
environmental planning instrument *means an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.*

- any applicable planning agreement or draft planning agreement that the developer has offered to enter into;
- the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) – to the extent that they prescribe matters for the purposes of section 4.15(1)(a)(iv) of the EP&A Act (see Section A7.1.2 and Section 4);
- the likely impacts of the 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 and the EP&A Regulation; and
- the public interest.

The relevant environmental planning instruments as outlined in section 4.15 are as follows:

- Chapter 2 (State and Regional Development) of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).
- Chapter 2 (Mining, Petroleum Production and Extractive Industries) of the *State Environmental Planning Policy (Resources and Energy) 2021* (Resources and Energy SEPP).
- Chapter 4 (Remediation of Land) of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).
- Chapter 3 (Hazardous and Offensive Development) of the Resilience and Hazards SEPP.
- Chapter 2 (Infrastructure) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).
- *Mid-Western Regional Local Environmental Plan 2012* (Mid-Western Regional LEP).

The requirements of relevant SEPPs are detailed in Section A7.2, while the requirements of the Mid-Western Regional LEP are detailed in Section A7.3.

Moolarben Coal Operations Pty Ltd (MCO) has existing Voluntary Planning Agreements with the Mid-Western Regional Council for both the Stage 1 and Stage 2 Approvals (Project Approval [05_0117] and Project Approval [08_0135], respectively), and would engage with the Mid-Western Regional Council regarding any amendments or additional agreements related to the Project.

Sections 6 and 7 detail the likely impacts of development on the environment, with social and economic impacts detailed in Sections 6.15 and 6.17, while Attachment 9 gives a summary of the mitigation measures to be implemented for the Project, if approved.

The suitability of the site for the development is discussed in Sections 2, 3, 6 and 7, while submissions made (and the public interest) are discussed in Sections 5, 6.17 and 7.

A7.1.2 Environmental Planning and Assessment Regulation 2021

Section 4.12(8) of the EP&A Act specifies that a development application for State Significant Development is to be accompanied by an EIS prepared by or on behalf of the applicant in the form prescribed by the regulations.

Clause 190 of the EP&A Regulation describes the required form of an EIS:

> *(1) An environmental impact statement must contain the following information—*
>
> *(a) the name, address and professional qualifications of the person who prepared the statement,*
>
> *(b) the name and address of the responsible person,*
>
> *(c) the address of the land—*
>
> *(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,*
>
> *(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.*
>
> *(2) The person preparing the statement must have regard to—*
>
> *(a) for State significant development—the* State Significant Development Guidelines*, …*

This EIS contains the information outlined above, including the address of relevant lands (Attachment 3). The name, address, professional qualifications and declaration of the person by whom the EIS has been prepared in consideration of the requirements of clause 190 of the EP&A Regulation has also been provided.

The person preparing the EIS had regard to the *State Significant Development Guidelines* (Department of Planning, Industry and Environment [DPIE], 2021).

Clause 192(1) of the EP&A Regulation describes the required content of an EIS, which is detailed in Table A7-1 along with the relevant reference to where the requirements have been addressed.

A7.2 STATE ENVIRONMENTAL PLANNING POLICIES

A7.2.1 State Environmental Planning Policy (Planning Systems) 2021

Section 2.1 of the Planning Systems SEPP sets out the aims of Chapter 2 (State and Regional Development), including the following of relevance to the Project:

> *(a) to identify development that is State significant development,*

Section 2.6 of the Planning Systems SEPP provides that a development is declared to be State Significant Development for the purposes of the EP&A Act if:

- the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without Development Consent under Part 4 of the EP&A Act (first criterion); and
- the development is specified in Schedule 1 or 2 of the Planning Systems SEPP (second criterion).

With respect to the first criterion identified above, the Project may be carried out only with Development Consent under Part 4 of the EP&A Act, pursuant to section 2.9 of the Resources and Energy SEPP, described further below.

In regard to the second criterion identified above, development for the purpose of mining that is coal or mineral sands mining is specified in section 5 of Schedule 1 to the Planning Systems SEPP as being State Significant Development.

The Project is development for the purpose of coal mining, and is therefore State Significant Development.

Table A7-1
Required Content of Environmental Impact Statement under the EP&A Regulations

Summary of EIS Requirements	EIS Reference
An environmental impact statement must contain the following:	-
(a) A summary of the environmental impact statement,	Executive Summary
(b) A statement of the objectives of the development, activity or infrastructure,	Section 1.2.2
(c) An analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Section 2.7
(d) An analysis of the development, activity or infrastructure, including:	-
(i) a full description of the development, activity or infrastructure, and	Section 3
(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	Section 6
(iii) the likely impact on the environment of the development, activity or infrastructure, and	Section 6
(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Section 6
(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,	Section 4
(e) A compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),	Attachment 9
(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.	Section 7

In accordance with subsection 4.5(a) of the EP&A Act and subsection 2.7(1) of the Planning Systems SEPP, the New South Wales (NSW) Minister for Planning (the Minister) or the Independent Planning Commission (IPC) is the consent authority for the Project.

A7.2.2 State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2 (Mining, Petroleum Production and Extractive Industries) of the Resources and Energy SEPP applies to the whole of NSW.

Part 2.1 – Preliminary

Section 2.1 sets out the aims of Chapter 2 of the Resources and Energy SEPP, as follows:

> *(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
>
> *(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
>
> *(c) to promote the development of significant mineral resources, and*
>
> *(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and*
>
> *(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—*
>
> > *(i) to recognise the importance of agricultural resources, and*
> >
> > *(ii) to ensure protection of strategic agricultural land and water resources, and*
> >
> > *(iii) to ensure a balanced use of land by potentially competing industries, and*
> >
> > *(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.*

Parts 2.2 to 2.5 of the Resources and Energy SEPP seek to achieve the aims outlined in section 2.1. Sections within these parts which are relevant to the Project are addressed below.

Part 2.2 – Permissible Development

Subsection 2.9(1) of the Resources and Energy SEPP states that development for any of the following relevant purposes may be carried out only with Development Consent:

> *…*
>
> *(b) mining carried out—*
>
> > *(i) on land where development for the purposes of agriculture or industry may be carried out (with or without development consent), or*
> >
> > *(ii) on land that is, immediately before the commencement of this section, the subject of a mining lease under the* Mining Act 1992 *or a mining licence under the* Offshore Minerals Act 1999*,*
>
> *(c) mining in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone,*
>
> *…*
>
> *(e) mining on land that is reserved as a state conservation area under the National Parks and Wildlife Act 1974,*
>
> *(f) extracting a bulk sample as part of resource appraisal of more than 20,000 tonnes of coal or of any mineral ore.*

Further discussion of the permissibility of mining in accordance with the Resources and Energy SEPP is provided in the sub-sections below.

Part 2.3 – Development Applications – Matters for Consideration

Part 2.3 of the Resources and Energy SEPP provides matters for consideration for development applications.

<u>*Section 2.16*</u>

Section 4.15(2) of the EP&A Act prescribes:

> *… If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—*
>
> *(a) is not entitled to take those standards into further consideration in determining the development application, and*
>
> *(b) must not refuse the application on the ground that the development does not comply with those standards, and*

> (c) *must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,*
>
> *and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

Section 2.16 of the Resources and Energy SEPP identifies non-discretionary development standards for the purposes of section 4.15(2) of the EP&A Act in relation to the carrying out of development for the purposes of mining.

Table A7-2 provides each of the non-discretionary development standards listed in section 2.16 of the Resources and Energy SEPP and a summary of the conclusions of this EIS with respect to the Project.

Where a project complies with non-discretionary development standards in section 2.16 of the Resources and Energy SEPP, the Minister or IPC must act in accordance with section 4.15(2) of the EP&A Act.

Where a project does not comply with the non-discretionary development standards in section 2.16 of the Resources and Energy SEPP, this does not prevent the consent authority from granting consent even though any such standard is not complied with.

Section 2.17

Section 2.17 of the Resources and Energy SEPP requires that, before determining an application for Development Consent for the purposes of mining, the consent authority (in this case the Minister or the IPC) 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).*

Land use other than mining in the area surrounding the Project includes agricultural enterprises (grazing and dryland cropping), commercial, industrial and residential areas of Ulan, rural residential areas of Cooks Gap and Cooyal, and conservation areas (Munghorn Gap Nature Reserve and Goulburn River National Park).

The Project is located within existing mining and exploration tenements situated on Moolarben-owned freehold land (with minor areas of council/crown land), adjacent to approved OC3 operations at the Moolarben Coal Complex, and largely constrained to previously cleared land historically used for low-intensity agricultural activities (i.e. grazing and dryland cropping).

Section 7 provides a detailed evaluation of the aspects for consideration detailed under section 2.17 of the Resources and Energy SEPP.

The Project is located in an existing mining precinct that includes the existing Moolarben Coal Complex, which has been operating concurrently with surrounding land uses since 2010 (in accordance with the Stage 1 Project Approval [05_0117] and Stage 2 Project Approval [08_0135]), and as such would not be incompatible with existing, approved or likely uses of land in the vicinity of the Project.

The Project is not likely to have a significant adverse environmental impact on likely preferred uses of land in the vicinity (Section 6).

The Project would generate a significant net benefit to the locality and the State of NSW (Section 6.15 and Appendix K).

A summary of mitigation measures proposed to be implemented for the Project is provided in Attachment 9.

Section 2.18

Subsection 2.18(2) requires that, before determining an application for consent for State Significant Development for the purposes of mining, the consent authority must consider any applicable provisions of a voluntary land acquisition and mitigation policy and, in particular:

> (a) *any applicable provisions of the policy for the mitigation or avoidance of noise or particulate matter impacts outside the land on which the development is to be carried out, and*
>
> (b) *any applicable provisions of the policy relating to the developer making an offer to acquire land affected by those impacts.*

Table A7-2
Resources and Energy SEPP Non-discretionary Development Standards for Mining

Subsection of Section 2.16	Compliance of the Project
(3) Cumulative noise level *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 cumulative amenity noise level from the concurrent operation of the Project and other modelled mines would generally comply with the recommended amenity noise levels outlined in Table 2.2 of the *Noise Policy for Industry* (Environment Protection Authority, 2017) at privately-owned dwellings (Section 6.7 and Appendix H). A number of private landholders are afforded acquisition and/or mitigation rights under the existing Moolarben Coal Complex Stage 1 and Stage 2 Project Approvals (05_0117 and 08_0135, respectively) to address predicted air quality and/or noise impacts of the approved operations. MCO has also entered into agreements with landholders to implement noise attenuation works. Noise modelling and impact assessment undertaken for the Project have not identified any additional private dwellings that would require acquisition and/or mitigation rights due to predicted noise impacts (Section 6.7 and Appendix H).
(4) Cumulative air quality level *The development does not result in a cumulative annual average level greater than 25 µg/m^3 of PM_{10} or 8 µg/m^3 of $PM_{2.5}$ for private dwellings.*	With the Project mitigation and management measures, the Project would not result in any additional exceedances of the cumulative annual average criteria for $PM_{2.5}$ or PM_{10} at any privately-owned dwelling when considered with existing background sources (i.e. the Moolarben Coal Complex and other mining operations) (Section 6.9 and Appendix I).
(5) Airblast overpressure *Airblast overpressure caused by the development does not exceed—* *(a) 120 dB (Lin Peak) at any time, and* *(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.*	With the Project mitigation and management measures, airblast overpressure caused by the Project would not exceed the relevant criteria as measured at any privately-owned dwelling or sensitive receiver (Section 6.8 and Appendix H).
(6) Ground vibration *Ground vibration caused by the development does not exceed—* *(a) 10 mm/sec (peak particle velocity) at any time, and* *(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.*	With the Project mitigation and management measures, ground vibration caused by the Project would not exceed the relevant criteria as measured at any privately-owned dwelling or sensitive receiver (Section 6.8 and Appendix H).
(7) Aquifer interference *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.*	The Project would have “minimal impact” (as defined by the *NSW Aquifer Interference Policy* [NSW Government, 2012]) to the water table, water pressure and water quality requirements for the nearest relevant water sources. Further discussion is provided in Attachment 14, Appendix B and Section 6.4.

Note: $PM_{2.5}$ = particulate matter less than 2.5 micrometres (µm) in aerodynamic equivalent diameter.
PM_{10} = particulate matter less than 10 µm in aerodynamic equivalent diameter.
dB = decibels.
mm/sec = millimetres per second.

The applicable provisions of the *Voluntary Land Acquisition and Mitigation Policy – For State Significant Mining, Petroleum and Extractive Industry Developments* (NSW Government, 2018a) are addressed in Sections 6.7, 6.8 and 6.9, and Appendices H and I.

<u>*Section 2.19*</u>

Subsection 2.19(2) of the Mining SEPP requires that, before determining an application for consent for development in the vicinity of an existing mine, petroleum production facility or extractive industry (refer subsection 2.19[1]), 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 current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
> >
> > *(iii) 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, and*
>
> *(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery 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).*

The Project is an extension of the existing Moolarben Coal Complex and is located within an existing mining precinct along with the Wilpinjong Coal Mine (immediately east) and Ulan Mine Complex (immediately north).

The Project would maximise use of existing infrastructure and equipment, and maintain steady production of run-of-mine (ROM) coal, including trucking of Project ROM coal via the Stage 1 haul road to be handled, processed and loaded to trains via the existing Stage 1 infrastructure (subject to a separate modification).

The use of existing infrastructure for the Project results in less disturbance and lower capital cost than would otherwise be required.

In the absence of approval for the Project, Stage 1 open cut operations would cease following completion of approved mining, and the potential benefits of continued operations would be lost.

The Project would improve the final land use options at the existing approved OC3 mining area, as waste rock from the Project would be used to backfill the approved OC3 final void (i.e. the Project would reduce the number of voids in the Moolarben Valley from one to zero).

The proposed Project final landform incorporates geomorphic drainage design principles for hydrological stability, and varying topographic relief to be more natural in appearance and integrate with the surrounds (Section 3.11, Appendix N and Attachment 8).

MCO would continue to consult and work closely with the owners of the Ulan Mine Complex and Wilpinjong Coal Mine regarding potential interactions between these operations and the Project to maximise cooperation, efficiencies and positive environmental outcomes.

There are no Petroleum Exploration Licences currently overlapping the Project Development Application area. As such, it is not expected that the Project would have a significant impact on future extraction of petroleum. Similarly, it is not expected that the Project would have a significant impact on future extractive industry.

<u>*Section 2.20*</u>

Subsection 2.20(1) of the Resources and Energy SEPP requires that, before granting consent for development 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 the following:

> *(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
>
> *(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
>
> *(c) that greenhouse gas emissions are minimised to the greatest extent practicable.*

In addition, subsection 2.20(2) requires that, without limiting subsection 2.20(1), in determining a Development Application for development for the purposes of mining:

> *… the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

The potential impacts of the Project on groundwater and surface water resources are discussed in Sections 6.3 and 6.4 and Appendices A and B, including measures to minimise potential impacts.

The potential impacts of the Project on threatened species and biodiversity are described in Sections 6.5 and 6.6 and Appendices C and D, including measures to minimise potential impacts.

Potential ecological impacts and the associated offset liability for unavoidable residual impacts from the Project have been assessed in accordance with the *Biodiversity Assessment Method* (DPIE, 2020), which sets a standard that would result in no net loss of biodiversity values in NSW (Section 6.5 and Appendix C).

The Project would offset unavoidable residual impacts on ecology consistent with the *Biodiversity Conservation Act 2016* (BC Act) requirements.

Greenhouse gas emissions from the Moolarben Coal Complex are currently measured and reported annually in accordance with the NGER Act, which would continue for the Project.

The Project's greenhouse gas emissions assessment abatement measures and relevant State or national policies, programs and guidelines are described in Section 6.16 and Appendix J.

<u>*Section 2.21*</u>

Section 2.21 of the Resources and Energy SEPP requires:

> *(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
>
> *(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
>
> *(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

The Project has been proposed as it is a logical extension of an existing mining operation, targeting a resource that can be recovered at low depth of cover, allowing for economically efficient extraction with minimal potential for significant environmental impact.

The Project would recover a total of approximately 40 million tonnes of ROM coal over the life of the Project within existing mining and exploration tenements, utilising existing infrastructure in place for the approved Moolarben Coal Complex.

Further geological exploration, mine design and ongoing geotechnical evaluation may result in changes to the Project's recoverable coal resource. MCO also recognises that mining technology would continue to develop and commodity price fluctuations would also occur over the life of the Project, both of which may influence economically recoverable Project coal resources.

Project description information, mine layout plans and other information were presented to the Department of Mining, Exploration and Geoscience (MEG) (within the Department of Regional NSW) during the development of this EIS (Section 5).

It is understood that MEG, as part of its normal procedures for State Significant mining projects, would prepare a Resource and Economic Assessment that would outline advice with respect to the Project coal resources, resource recovery and economic factors. It is understood that the MEG Resource and Economic Assessment would be provided to the Department of Planning and Environment (DPE).

Section 2.22

Subsection 2.22(1) of the Resources and Energy SEPP requires that before granting consent for development for the purposes of mining that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:

> *(a) require that some or all of the transport of materials in connection with the development is not to be by public road,*
>
> *(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
>
> *(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

The Project does not involve product transport on public roads.

As detailed in Section 3.7, the Project would use existing infrastructure and equipment including trucking of Project ROM coal via the Stage 1 haul road to be handled, processed and loaded to trains via the existing Stage 1 infrastructure (subject to a separate modification).

As an operating thermal coal mine, the Moolarben Coal Complex has long-standing customer relationships and existing sale agreements for thermal coal, transported via the Sandy Hollow-Gulgong Railway to the Port of Newcastle for export, which would continue for the Project.

Access to Project areas would be via the same roads as the existing Moolarben Coal Complex, meaning there would be no additional requirement to interact with the public road network.

The Project Road Transport Assessment concluded that the existing road network can satisfactorily accommodate the forecast traffic demands resulting from the Project (e.g. employee movements and deliveries), such that no specific measures or upgrades are required to mitigate the impacts on the capacity, safety and efficiency of the road network (Appendix O).

Subsection 2.22(2) of the Resources and Energy SEPP provides that, if the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within seven days after receiving the Development Application, provide a copy of the application to each roads authority for the road, and the Roads and Traffic Authority (now Transport for NSW) (if it is not a roads authority for the road).

In addition, subsection 2.22(3) of the Resources and Energy SEPP requires that the consent authority:

> *(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
>
> *…*

While subsections 2.22(2) and 2.22(3) of the Resources and Energy SEPP do not specify that they apply to State Significant Development (see section 4.13(2A) of the EP&A Act), MCO has consulted with Transport for NSW and the Mid-Western Regional Council during the development of this EIS (Section 5).

Along with the proponents of the Ulan Mine Complex and Wilpinjong Coal Mine, MCO would continue to contribute financially to the implementation of the Ulan Road Strategy in accordance with the Stage 1 and Stage 2 Project Approvals (05_0117 and 08_0135, respectively).

Section 2.23

Section 2.23 of the Resources and Energy SEPP outlines various rehabilitation requirements. Subsection 2.23(1) requires that, before granting consent for development for the purposes of mining, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that would be affected by the development.

Subsection 2.23(2) provides that, in particular, the consent authority must consider whether conditions of the consent should:

> *(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
>
> *(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or*

> (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the* Contaminated Land Management Act 1997*), or*
>
> (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

A Rehabilitation and Mine Closure Addendum has been prepared for the Project (Attachment 8). The content of this document would inform the development of subsequent Rehabilitation Management Plans (RMPs), supported by Annual Rehabilitation Reports and Forward Plans, to be prepared in accordance with the *Mining Act 1992*, should the Project be approved (see Section A7.4.1).

The Rehabilitation and Mine Closure Addendum details the rehabilitation objectives, domains and practices for the Project (Attachment 8), while the rehabilitation implementation and progress would be detailed further in the RMP and supporting reports.

Mine landforms would be progressively rehabilitated and include a combination of agricultural land, native vegetation and targeted biodiversity enhancement measures. Therefore some portions of the final landform would potentially be available for agriculture in the medium/long-term (Section 3.16).

MCO would also encourage alternative community or government proposals or initiatives for the use of Project land or infrastructure that could co-exist with the Project. Any proposals or initiatives would need to be permissible land uses and would require relevant assessment and approvals.

The proposed management of waste rock and coal reject material is discussed in Sections 3.8 and 3.9, and the management of other wastes is discussed in Section 3.13.

As outlined in Section 6.13, investigations would be undertaken at Project closure to identify and remediate any contaminated soil that may exist in accordance with relevant guidelines, including guidelines under clause 3 of Schedule 6 of the EP&A Act, as well as the *Contaminated Land Management Act 1997*. Any contaminated land would be remediated by removal of contaminated materials for disposal at an appropriately licensed facility, encapsulation, or appropriate remediation treatment on-site.

In regard to subcondition 2.23(2)(d) of the Resources and Energy SEPP, a key objective of the Rehabilitation and Mine Closure Addendum is to provide a landscape that is safe, stable and non-polluting. The geotechnical and geomorphic design of the landform is a key element of this approach for the Project, and would include progressive backfill of open cut voids (leaving no final voids) as well as a small section of high wall at the southern end of the western pit (Attachment 8).

A7.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

A summary of considerations under the Resilience and Hazards SEPP is provided in Table 4-3.

Chapters 3 (Hazardous and Offensive Development) and 4 (Remediation of Land) of the Resilience and Hazards SEPP apply to the whole of NSW.

Chapter 3 (Hazardous and Offensive Development)

Section 3.1 of the Resilience and Hazards SEPP sets out the aims of Chapter 3, of which the following are relevant to the Project:

> (a) *to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
>
> *…*
>
> (d) *to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
>
> (e) *to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
>
> (f) *to require the advertising of applications to carry out any such development.*

Section 3.11 of the Resilience and Hazards SEPP requires a person, who proposes to make a Development Application to carry out development for the purposes of a potentially hazardous industry, to prepare (or cause to be prepared) a Preliminary Hazard Analysis (PHA) in accordance with the current circulars or guidelines published by the Department of Planning (DoP; now DPE) and submit the analysis with the Development Application.

Section 3.12 of the Resilience and Hazards SEPP requires that, in determining an application to carry out development for the purposes of a potentially hazardous or offensive industry, the consent authority (the Minister or IPC) must consider (in addition to any other matters specified in the EP&A Act or in an environmental planning instrument applying to the development):

(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and

(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and

(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and

(e) any likely future use of the land surrounding the development.

In accordance with the Secretary's Environmental Assessment Requirements (SEARs) and as part of the preparation of this EIS, a PHA has been prepared in accordance with the Resilience and Hazards SEPP (Appendix R).

The PHA has been conducted in accordance with the general principles of risk evaluation and assessment outlined in the NSW Government *Assessment Guideline: Multi-level Risk Assessment* (Department of Planning and Infrastructure, 2011) and has been documented in general accordance with *Hazardous Industry Planning Advisory Paper (HIPAP) No. 6: Hazard Analysis* (DoP, 2011).

In regard to subsection 3.12(b) of the Resilience and Hazards SEPP, extensive consultation has been undertaken with various public authorities during the preparation of this EIS, as described in Section 5.

Project alternatives (including the Project location) are discussed in Sections 2.7 and 7, while potential future uses of the land are considered in Section 7.1.

Chapter 4 (Remediation of Land)

Chapter 4 of the Resilience and Hazards SEPP sets out matters relating to contaminated land that a consent authority must consider in determining an application for Development Consent.

"Contaminated Land" in Chapter 4 has the same meaning as it has in the EP&A Act:

> ***contaminated land*** *means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.*

Subsection 4.6(1) of the Resilience and Hazards SEPP provides that a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Subsection 4.6 of the Resilience and Hazards SEPP further provides:

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

> *(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
>
> *…*

The land specified in subsection 4.6(4) on which the "change of use" is involved is either:

- land that is an "investigation area" – defined in Chapter 4 as land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the *Contaminated Land Management Act 1997*; or
- land on which the development for a purpose referred to in Table 1 to the contaminated land planning guidelines (being *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* [NSW Department of Urban Affairs and Planning and Environment Protection Authority, 1998]) is being, or is known to have been, carried out.

ENRS Pty Ltd (ENRS) prepared a Land Contamination Assessment in accordance with Chapter 4 of the Resilience and Hazards SEPP (Appendix M). This assessment included a "Stage 1 Preliminary Site Investigation", including a desktop review of publicly available data (including aerial photographs, geological maps, topographical maps, and registered groundwater bore database), followed by a site inspection.

ENRS concluded that the site is suitable for the Project land use supported by further assessment of the identified Areas of Environmental Concern, and remediation as required (Appendix M).

A7.2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 (Koala Habitat Protection 2020) and Chapter 4 (Koala Habitat Protection 2021)

Section 3.1 of the Biodiversity and Conservation SEPP provides the aims of Chapter 3 (Koala Habitat Protection 2020), as follows:

> *This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—*
>
> *(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
>
> *(b) by encouraging the identification of areas of core koala habitat, and*
>
> *(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

Similarly, section 4.1 of the Biodiversity and Conservation SEPP states that the aims of Chapter 4 (Koala Habitat Protection 2021) are to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapters 3 and 4 of the Biodiversity and Conservation SEPP requires councils in certain Local Government Areas (LGAs) (including Mid-Western Regional), before granting consent to a development application, to be satisfied as to whether or not the land is "potential Koala habitat" or "core Koala habitat".

Since the Project is a State Significant Development in accordance with section 4.5(a) of the EP&A Act and subsection 2.7(1) of the Planning Systems SEPP, the Minister or IPC is the consent authority (Section 4.2.1) rather than the Council.

Notwithstanding that Chapters 3 and 4 of the Biodiversity and Conservation SEPP do not apply in circumstances where the consent authority is the Minister or IPC, an assessment of Koala habitat has been undertaken (Appendix C).

The assessment found that the Project is unlikely to lead to a decline in the viability of the local Koala population in the medium to long-term (Appendix C).

A7.2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 (Infrastructure) of the Transport and Infrastructure SEPP applies to the whole of NSW, and includes provisions for consultation with relevant public authorities about certain development during the assessment process prior to development commencing.

Subsection 2.122(1) of the Transport and Infrastructure SEPP provides that section 2.122 applies to development specified in Column 1 of the Table to Schedule 3 that involves:

> *(a) new premises of the relevant size or capacity, or*
>
> *(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

Subsection 2.122(4) requires that before determining a development application for development to which section 2.122 applies, the consent authority must:

> *(b) take into consideration—*
>
> *…*
>
> *(ii) the accessibility of the site concerned, including—*
>
> *(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
>
> *(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
>
> *(iii) any potential traffic safety, road congestion or parking implications of the development.*

Access to Project areas would be via the same roads as the existing Moolarben Coal Complex, meaning there would be no additional requirement to interact with the public road network.

As described in Section 7.2.2, the Project Road Transport Assessment concluded that no specific measures or upgrades are required to mitigate the impacts on the capacity, safety and efficiency of the road network resulting from the Project (Appendix O).

A7.3 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

The Project would be located wholly within the Mid-Western Regional LGA which is covered by the Mid-Western Regional LEP. A discussion of the general aims of the Mid-Western Regional LEP is provided in Section 2.3.1.

A7.3.1 Permissibility

The Project Development Application area lies within land zones RU1 Primary Production and C3 Environmental Management under the Mid-Western Regional LEP (Figure A7-1).

"Mining" is defined under the Mid-Western Regional LEP as:

> ***mining*** *means mining carried out under the* Mining Act 1992 *or the recovery of minerals under the* Offshore Minerals Act 1999*, and includes—*
>
> *(a) the construction, operation and decommissioning of associated works, and*
>
> *(b) the rehabilitation of land affected by mining.*

"Open cut mining" is defined under the Mid-Western Regional LEP as:

> ***open cut mining*** *means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.*

Under the land use table in the Mid-Western Regional LEP "open cut mining" is permissible with consent within land zones RU1 Primary Production and C3 Environmental Management.

Section 2.5 of the Resources and Energy SEPP relevantly provides that Chapter 2 applies to the State of NSW, and subsection 2.6(1) notes that Chapter 2 of the Resources and Energy SEPP prevails where there is any inconsistency between the provisions in Chapter 2 and the provisions in any other environmental planning instrument (subject to limited exceptions).

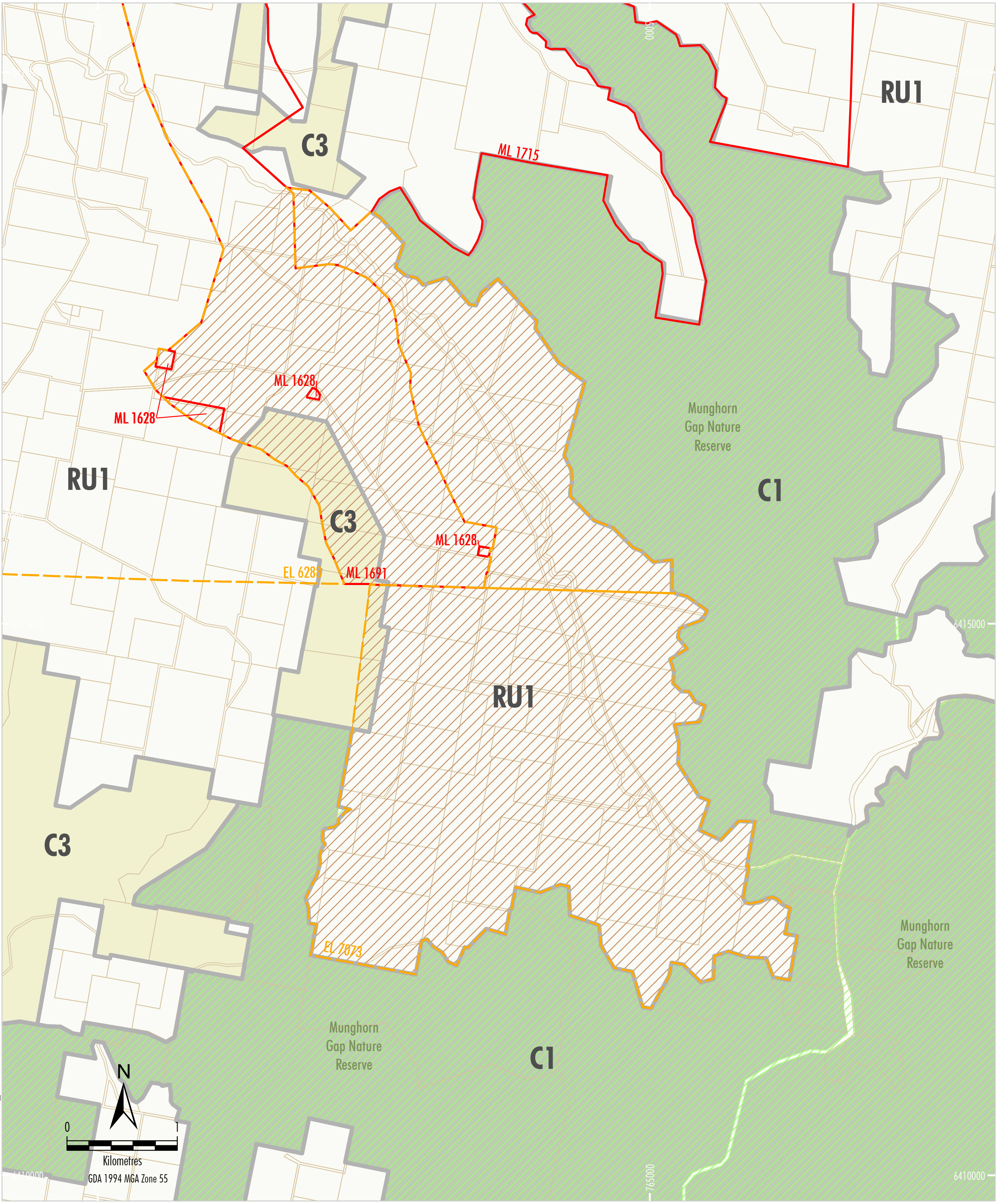
The word "mining" in Chapter 2 of the Resources and Energy SEPP is given an extended definition in section 2.2 as follows:

> ***mining*** *means the winning or removal of materials by methods such as excavating, dredging or tunnelling for the purpose of obtaining minerals, and includes—*
>
> *(a) the construction, operation and decommissioning of associated works, and*
>
> *(b) the stockpiling, processing, treatment and transportation of materials extracted, and*
>
> *(c) the rehabilitation of land affected by mining.*

The definition of "open cut mining" under Chapter 2 of the Resources and Energy SEPP reflects the definition in the Mid-Western Regional LEP.

Section 2.9 of the Resources and Energy SEPP provides development that is permissible with consent, including:

> *(b) mining carried out—*
>
> *(i) on land where development for the purposes of agriculture or industry may be carried out (with or without development consent), or*
>
> *(ii) on land that is, immediately before the commencement of this section, the subject of a mining lease under the* Mining Act 1992 *or a mining licence under the* Offshore Minerals Act 1999*,*
>
> *(c) mining in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone,*
>
> *…*
>
> *(f) extracting a bulk sample as part of resource appraisal of more than 20,000 tonnes of coal or of any mineral ore.*



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Source: MCO (2022); NSW Spatial Services (2021)

LEGEND

- National Park /Nature Reserve
- Exploration Licence Boundary
- Mining Lease Boundary
- Development Application Area
- Cadastral Boundary

Mid-Western Regional LEP Land Zoning

- C1 National Parks and Nature Reserves
- C3 Environmental Management
- RU1 Primary Production

In accordance with the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021, references to Environment Protection zone E1, E2, E3 or E4 within the Land Zoning Map have been updated to be a reference to a Conservation zone C1, C2, C3 or C4.

YANCOAL
MOOLARBEN COAL

MOOLARBEN COAL COMPLEX

Relevant Land Zoning

Figure A7-1

The practical effects of subsection 2.6(1) of the Resources and Energy SEPP for the Project is that if there is any inconsistency between the provisions of Chapter 2 of the Resources and Energy SEPP and those contained in the Mid-Western Regional LEP, the provisions of Chapter 2 would prevail.

As there are no inconsistencies between the Mid-Western Regional LEP and Chapter 2 of the Resources and Energy SEPP relevant to the Project land use zones, mining can be carried out with consent on RU1 Primary Production and C3 Environmental Management land.

A7.3.2 Land Zone Objectives

Clause 2.3(2) of the Mid-Western Regional LEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The following provides the zone objectives of the Mid-Western Regional LEP relevant to the Project:

RU1 Primary Production

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*
- *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

C3 Environmental Management

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

…

The Project is considered to be generally consistent with the above zone objectives because, as described in Section 4, management and mitigation measures would be implemented to minimise the potential impacts of the Project on other land uses and the environment.

Mining operations, nearby agricultural enterprises and environmental management zones (C1 and C3) have co-existed since the commencement of operations at the Moolarben Coal Complex (in 2010) and this would continue for the Project.

A7.3.3 Special Provisions

Parts 5 and 6 of the Mid-Western Regional LEP provide a number of provisions of potential relevance to the Project, including the relevant clauses described below.

Heritage Conservation

Clause 5.10 of the Mid-Western Regional LEP relates to the assessment and management of impacts to historic heritage or Aboriginal heritage and includes the following subclauses relevant to the Project:

(4) ***Effect of proposed development on heritage significance***
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) ***Heritage assessment***
The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

…

(7) ***Archaeological sites***
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 *applies)—*

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) ***Aboriginal places of heritage significance***
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the 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 (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

…

Clause 5.10 set out above is potentially applicable to the Project with respect to direct disturbance or indirect impacts (e.g. blasting) that could impact on non-Aboriginal or Aboriginal heritage sites located within or adjacent to the Project Development Application area.

An Aboriginal Cultural Heritage Assessment and a Non-Aboriginal Heritage Assessment have been conducted for the Project (Appendices F and G, respectively) and have, where relevant, identified suitable management and mitigation measures for potential direct and indirect impacts of the Project.

Earthworks

Clause 6.3(3) of the Mid-Western Regional LEP requires that before granting Development Consent for earthworks, the consent authority must consider:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The Project would involve earthworks as a component of construction and open cut development activities (Sections 3.5 and 3.6).

In regard to subsections 6.3(3)(a) and 6.3(3)(g), the Surface Water Assessment (Appendix B) includes assessment of the potential impacts on drainage patterns and waterways. Section 6.4 and Appendix B also describe the erosion and sediment control measures that would be implemented for the Project.

In regard to subsection 6.3(3)(b), rehabilitation and decommissioning of Project disturbance areas, including post-mining land uses, are described in Section 3.16, Section 7 and Attachment 8.

In regard to subsections 6.3(3)(c) and 6.3(3)(e), natural material excavated during open cut development would be used as construction fill (e.g. for hardstand areas, dam embankments and road construction) or backfilled in open cut mining areas according to its material type and suitability for rehabilitation as described in Section 3.16 and Section 7.

The topsoil stripped during Project activities would be stockpiled for use on disturbed areas during rehabilitation activities (Section 7 and Appendix L).

Potential impacts on amenity, including noise, dust and visual impacts, are described in Sections 6.7, 6.8, 6.9 and 6.14 and Appendices H, I and N, in regard to subsection 6.3(3)(d).

In regard to subsection 6.3(3)(f), an Aboriginal Cultural Heritage Assessment and Non-Aboriginal Heritage Assessment have been prepared for the Project and are provided in Appendices F and G, respectively.

In regard to subsection 6.3(3)(g), the proposed mitigation and management measures to be implemented for the Project are summarised in Attachment 9.

Groundwater Vulnerability

Clause 6.4(3) of the Mid-Western Regional LEP requires that before determining a development application for development on land to which clause 6.4 applies, the consent authority must consider:

> *(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
>
> *(b) any adverse impacts the development may have on groundwater dependent ecosystems,*
>
> *(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
>
> *(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

A Groundwater Assessment has been prepared for the Project and, where relevant, has identified suitable management and mitigation measures for potential impacts of the Project (Appendix A).

Terrestrial Biodiversity

Clause 6.5 outlines considerations relating to the conservation and improvement of terrestrial biodiversity, and applies to:

> *… land identified as "Moderate Biodiversity Sensitivity" or "High Biodiversity Sensitivity" on the Sensitivity Biodiversity Map*

Subclause 6.5(3) requires that before determining a development application for development on land to which clause 6.5 applies, the consent authority must consider:

> *(a) whether the development is likely to have—*
>
> > *(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
> >
> > *(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
> >
> > *(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
> >
> > *(iv) any adverse impact on the habitat elements providing connectivity on the land, and*
>
> *(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The Project would not disturb any land mapped as having high or moderate biodiversity sensitivity on the Mid-Western Regional LEP Sensitivity Biodiversity Map.

The potential impacts of the Project on threatened species and biodiversity are described in Sections 6.5 and 6.6, and a Biodiversity Development Assessment Report and Aquatic Ecology Assessment have been prepared for the Project (Appendices C and D, respectively), which include measures to avoid and minimise potential impacts.

A7.4 OTHER APPROVALS

A7.4.1 Mining Act 1992

Section 3A of the *Mining Act 1992* details the objects of the Act, as follows:

> *The objects of this Act are to encourage and facilitate the discovery and development of mineral resources in New South Wales, having regard to the need to encourage ecologically sustainable development, and in particular—*
>
> *(a) to recognise and foster the significant social and economic benefits to New South Wales that result from the efficient development of mineral resources, and*
>
> *(b) to provide an integrated framework for the effective regulation of authorisations for prospecting and mining operations, and*
>
> *(c) to provide a framework for compensation to landholders for loss or damage resulting from such operations, and*
>
> *(d) to ensure an appropriate return to the State from mineral resources, and*
>
> *(e) to require the payment of security to provide for the rehabilitation of mine sites, and*
>
> *(f) to ensure effective rehabilitation of disturbed land and water, and*
>
> *(g) to ensure mineral resources are identified and developed in ways that minimise impacts on the environment.*

Section 65 of the *Mining Act 1992* details regulation regarding Development Consents under the EP&A Act, relevantly including:

> *(1) The Minister must not grant a mining lease over land if development consent is required for activities to be carried out under the lease unless an appropriate development consent is in force in respect of the carrying out of those activities on the land.*
>
> *…*

Section 380AA specifies restrictions on planning applications for coal mining, relevantly including:

> *(1) An application for development consent, or for the modification of a development consent, to mine for coal cannot be made or determined unless (at the time it is made or determined) the applicant is the holder of an authority that is in force in respect of coal and the land where mining for coal is proposed to be carried out, or the applicant has the written consent of the holder of such an authority to make the application.*
>
> *…*

MCO would lodge Mining Lease (ML) applications separately with the Secretary for the Project. Mining activities for the Project would also be partly located within MLs obtained in support of the approved Moolarben Coal Complex (e.g. ML 1691).

Under the *Mining Act 1992*, environmental protection and rehabilitation are regulated by conditions included in all MLs, including requirements for preparation of an RMP, Annual Rehabilitation Reports and a Forward Program.

Under section 4.42(1)(c) of the EP&A Act, if the Project is approved as State Significant Development, the grant of one or more MLs under the *Mining Act 1992* cannot be refused if those leases are necessary for the carrying out of the approved Project and are to be substantially consistent with the Development Consent issued for the Project.

In their submission giving advice on SEARs for the Project, MEG stated:

> *Based on current title information MEG advises that the Proponent holds the appropriate titles as required for mining operations as relating to the project …*

In regard to section 380AA, ML 1691 is held by Moolarben Coal Mines Pty Limited, while EL 6288 and EL 7073 are held by Moolarben Coal Mines Pty Limited, Kores Australia Moolarben Coal Pty Limited, and Yancoal Moolarben Pty Ltd. Consent of Moolarben Coal Mines Pty Limited, Kores Australia Moolarben Coal Pty Limited, and Yancoal Moolarben Pty Ltd to the Development Application is provided in Attachment 11.

A7.4.2 Protection of the Environment Operations Act 1997

The PoEO Act and the *Protection of the Environment Operations (General) Regulation 2022* set out the general obligations for environmental regulation in NSW.

Under section 48 of the PoEO Act, it is an offence to carry out a "scheduled activity" without an EPL. Schedule 1 of the PoEO Act lists "scheduled activities" for the purposes of section 48.

Clause 10 of Schedule 1 of the PoEO Act defines "coal works" as any activity (other than coke production) that involves storing, loading or handling coal (whether at any coal loader, conveyor, washery or reject dump or elsewhere) at an existing coal mine or on a separate coal industry site.

Clause 10(2) provides that a "coal work" is declared to be a scheduled activity if:

> *(a) it has a capacity to handle more than 500 tonnes per day of coal, or*
>
> *(b) it has a capacity to store more than 5,000 tonnes of coal (not including storage within a closed container or building).*

Clause 28 of Schedule 1 of the PoEO Act defines "mining for coal", as the mining, processing or handling of coal (including tailings and chitter) at underground mines or open cut mines.

Clause 28(2) provides that "mining for coal" is declared a scheduled activity if:

> *(a) it has a capacity to produce more than 500 tonnes of coal per day, or*
>
> *(b) it has disturbed, is disturbing or will disturb a total surface area of more than 4 hectares of land by—*
>
> *(i) clearing or excavating, or*
>
> *(ii) constructing dams, ponds, drains, roads, railways or conveyors, or*
>
> *(iii) storing or depositing overburden or coal (including tailings and chitter).*

Section 45 of the PoEO Act outlines matters to be taken into consideration by the relevant regulatory authority with respect to licensing functions.

The approved Moolarben Coal Complex currently operates under EPL 12932, granted under the PoEO Act for the scheduled activities of coal works (>5 million tonnes per annum [Mtpa]), extractive activities (>0.5 to 2 Mtpa) and mining for coal (>5 Mtpa). EPL 12932 contains conditions that relate to emission and discharge limits, operational shutdown requirements under specific combinations of environmental conditions, environmental monitoring and reporting.

If approved, the Project would require a new EPL under the PoEO Act or a variation to EPL 12932 for the existing Moolarben Coal Complex.

A7.4.3 Roads Act 1993

Moolarben Road is closed for public access across the existing OC3 and Project areas. There are no other public roads within the Project area and therefore no works on the public road network are required.

Site access is via the existing Stage 1 access. No road upgrades to the existing site access are required for the Project and therefore no approvals under the *Roads Act 1993* are expected.

A7.4.4 Dams Safety Act 2015

Under section 48 of the *Dams Safety Act 2015*, the area of land surrounding, or in the vicinity of, a declared dam can be declared a notification area. Before granting Development Consent for any mining operations in a notification area, a consent authority must refer the application for Development Consent to Dams Safety NSW and take into consideration any matters that are raised by Dams Safety NSW in relation to the application.

There are no declared dams within the vicinity of the Project Area. It is therefore not necessary for the Consent Authority to refer the development application to Dams Safety NSW.

A7.4.5 Water Management Act 2000

Section 3 of the *Water Management Act 2000* (WM Act) defines the objects of the Act, as follows:

> *The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular—*
>
> *(a) to apply the principles of ecologically sustainable development, and*
>
> *(b) to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and*
>
> *(c) to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including—*
>
> *(i) benefits to the environment, and*
>
> *(ii) benefits to urban communities, agriculture, fisheries, industry and recreation, and*
>
> *(iii) benefits to culture and heritage, and*
>
> *(iv) benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water,*
>
> *(d) to recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources,*
>
> *(e) to provide for the orderly, efficient and equitable sharing of water from water sources,*
>
> *(f) to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna,*
>
> *(g) to encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users,*
>
> *(h) to encourage best practice in the management and use of water.*

Chapter 3 of the WM Act defines the following approvals:

- water use approval (section 89) – authorises its holder to use water for a particular purpose at a particular location;
- water management works approval (section 90) – authorises its holder to construct and use a specified water management work (being a water supply work, drainage work, or flood work) at a specified location; and
- activity approvals (section 91), including:
  - controlled activity approval - authorises its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land; and
  - aquifer interference approval – authorises its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.

Under section 4.41(1)(g) of the EP&A Act, if the Project is approved as State Significant Development, water use approvals under section 89, water management work approvals under section 90, or activity approvals (excluding aquifer interference approvals) under section 91 of the WM Act would not be required for the Project.

Appendices C and D and Sections 6.3 and 6.4 include consideration of the Project requirements under the WM Act and describe the water access licences (WALs) required for each relevant water source.

Notwithstanding that no water management works approvals (e.g. water supply works approvals) would be required for the Project, metering equipment would be installed and maintained in accordance with the *NSW Non-Urban Water Metering Policy* (NSW Government, 2018b) on all works used for the extraction of water under an access licence.

The requirement to obtain an aquifer interference approval (under section 91 of the WM Act) is triggered only when a proclamation is made (under section 88A) specifying that aquifer interference approvals apply to a particular part of the State (or to the whole State) or to a particular water source.

To date, no such proclamation has been made specifying that aquifer interference approvals are required in any part of NSW. As such, aquifer interference approvals are not currently required to be obtained for the Project.

Notwithstanding the above, an assessment of the Project against the licensing requirements and minimal impact considerations of the *NSW Aquifer Interference Policy* is provided in Section 6.3 and Appendix A.

Water Licensing

Under section 60A of the WM Act, it is an offence to "take" water without a water licence unless a statutory exemption applies.

The *NSW Aquifer Interference Policy* requires that all water taken by aquifer interference activities be accounted for within the extraction limits set by the relevant water sharing plan. A WAL is required where water is taken either incidentally or for consumptive use, or where any act by a person carrying out an aquifer interference activity causes (NSW Government, 2012):

- *the removal of water from a water source; or*
- *the movement of water from one part of an aquifer to another part of an aquifer; or*
- *the movement of water from one water source to another water source, such as:*
  - *from an aquifer to an adjacent aquifer; or*
  - *from an aquifer to a river/lake; or*
  - *from a river/lake to an aquifer.*

The *NSW Aquifer Interference Policy* also requires consideration of the continued take of water from groundwater or connected surface waters following cessation of an aquifer interference activity. For example, the inflow that continues to occur into an open cut void post-mining must be considered.

The *NSW Aquifer Interference Policy* states that licences are required to be held to adequately account for the ongoing take of water until the system returns to equilibrium, or alternatively, sufficient licences to account for the ongoing take of water are to be surrendered to the NSW Minister for Water.

Flood Work Approvals

Section 283 of the WM Act defines floodplain as follows:

> ***floodplain*** *means an area of land declared by an order in force under Division 6 to be a floodplain.*

Under Division 6, subsection 308(2) details:

> *(2) The Minister may, by order published in the Gazette, declare any land described in the order to be a drainage area, floodplain or river management area for the purposes of this Part.*

Any Project-related works within a declared floodplain would not require a flood work approval under section 90 of the WM Act as this requirement does not apply to State Significant Development as per section 4.41 of the EP&A Act.

Notwithstanding the above, there are no proposed activities for the Project within a declared floodplain under subsection 308(2) of the WM Act.

A7.4.6 Biodiversity Conservation Act 2016

Section 1.3 of the BC Act defines the purpose of the Act, including the following relevant to the Project:

> *The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the* Protection of the Environment Administration Act 1991*), and in particular—*
>
> *(a) to conserve biodiversity at bioregional and State scales, and*
>
> *(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and*
>
> …
>
> *(d) to support biodiversity conservation in the context of a changing climate, and*
>
> …
>
> *(g) to regulate human interactions with wildlife by applying a risk-based approach, and*

> *(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and*
>
> *(i) to support and guide prioritised and strategic investment in biodiversity conservation, and*
>
> *(j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and*
>
> *(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and*
>
> *(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and*
>
> *(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and*
>
> *(n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and*
>
> *…*

Section 7.9 applies to an application for Development Consent for State Significant Development, where subsection 7.9(2) requires:

> *(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.*

Accordingly, a Biodiversity Development Assessment Report has been prepared for the Project (Appendix C).

A7.4.7 National Greenhouse and Energy Reporting Act 2007

The *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. The NGER Act makes registration and reporting mandatory for corporations whose energy production, energy use or greenhouse gas emissions meet specified thresholds.

Section 3 of the NGER Act defines the objects of the Act:

> *(1) The first object of this Act is to introduce a single national reporting framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy consumption and energy production of corporations to:*
>
> *(b) inform government policy formulation and the Australian public; and*
>
> *(c) meet Australia's international reporting obligations; and*
>
> *(d) assist Commonwealth, State and Territory government programs and activities; and*
>
> *(e) avoid the duplication of similar reporting requirements in the States and Territories.*
>
> *(2) The second object of this Act is to ensure that net covered emissions of greenhouse gases from the operation of a designated large facility do not exceed the baseline applicable to the facility.*

Subsection 19(1) details the reporting requirements under the NGER Act, as follows:

> *(1) A corporation registered under Division 3 of Part 2 must, in accordance with this section and in respect of each financial year mentioned in subsection (2), provide a report to the Regulator relating to the:*
>
> *(a) greenhouse gas emissions; and*
>
> *(b) energy production; and*
>
> *(c) energy consumption;*
>
> *from the operation of facilities under the operational control of the corporation and entities that are members of the corporation's group, during that financial year.*

MCO has operational control over the Moolarben Coal Complex, and would have operational control over the Project.

Additionally, the Safeguard Mechanism (underpinned by the Commonwealth *National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015*) was established through the NGER Act.

The Safeguard Mechanism sets a baseline level of emissions (Scope 1 and 2) for facilities that emit over 100,000 t CO_2-e per year. A facility must keep its net emissions at or below the set baseline level, or offset any exceedance through surrender of an equivalent amount of Australia Carbon Credit Units.

The Moolarben Coal Complex is regulated as a single facility under the NGER Act and the Safeguard Mechanism. MCO operates the Moolarben Coal Complex in accordance with a calculated emissions baseline.

Greenhouse gas emissions from the Moolarben Coal Complex are currently measured and reported annually as a single facility in accordance with the NGER Act, which would incorporate the Project. Greenhouse gas emissions reporting for the Moolarben Coal Complex open cut operations uses a site specific Scope 1 fugitive emissions intensity (including emissions from both methane and CO_2), calculated in accordance with Method 2 of the *National Greenhouse and Energy Reporting (Measurement) Determination 2008* based on detailed gas content and composition testing.

Further discussion of greenhouse gas emission policy and guidance materials is provided in Appendix J.

A7.4.8 Native Title Act 1993

The *Native Title Act 1993* provides for the recognition and protection of Native Title rights in Australia.

Section 3 of the *Native Title Act 1993* defines the main objects of the Act, which include:

> *(a) to provide for the recognition and protection of native title; and*
>
> *(b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and*
>
> *(c) to establish a mechanism for determining claims to native title; and*
>
> *(d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.*

The *Native Title Act 1993* provides a mechanism to determine whether Native Title exists and what the rights and interests are that comprise that Native Title. The process is designed to ensure that Indigenous people who claim to have an interest in a parcel of land have the opportunity to express this interest formally, and to negotiate with the Government and the applicant about the proposed grant or renewal of a mining tenement, or consent to access Native Title land.

The *Mining Act 1992* must be administered in accordance with the *Native Title Act 1993*. The primary effect of the *Native Title Act 1993* on exploration and mining approvals is to provide Native Title parties with ‘Rights to Negotiate’ about the grant and some renewals by Governments of exploration and mining titles.

Parts 7, 8 and 8A detail requirements related to the Register of Native Title Claims, National Native Title Register, and Register of Indigenous Land Use Agreements, respectively, which are to include the details of claims, determinations, and agreements under the *Native Title Act 1993*.

A spatial search of the Tribunal Registers identified that no native title determinations exist for the land contained within the Study Area, though a number of applications have been made which overlap with some included areas (Appendix F).

The *Native Title Act 1993*, where applicable, would be complied with in relation to the renewal of any necessary mining tenements for the Project.

A7.4.9 Environment Protection and Biodiversity Conservation Act 1999

The Project would be assessed in accordance with the Assessment Bilateral Agreement, and would require approval under both the EP&A Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Section 4.2.9).

Objects of the EPBC Act

Subsection 3(1) of the EPBC Act provides the objects of the Act, including the following relevant to the Project:

> *(a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and*
>
> *(b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and*
>
> *(c) to promote the conservation of biodiversity; and*
>
> *(ca) to provide for the protection and conservation of heritage; and*

> (d) *to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and*
>
> (e) *to assist in the co-operative implementation of Australia's international environmental responsibilities; and*
>
> (f) *to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and*
>
> (g) *to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.*

Consideration of the Project proposal against the objects of the EPBC Act is provided in Section 7.

Environmental Record of the Proponent

As per Attachment 3 of the SEARs for the Project, the EIS must address the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), including information in relation to the environmental record of the person proposing to take the action as prescribed by clause 6 in Schedule 4 to the EPBC Regulations.

Clause 6 details requirements related to the environmental record of the person proposing to take the action:

> *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*
> >
> > *(b) for an action for which a person has applied for a permit, the person making the application.*
>
> *6.02 If the person proposing to take the action is a corporation—details of the corporation's environmental policy and planning framework.*

The proponent for the Project is MCO, a wholly owned subsidiary of Yancoal Australia Limited (Yancoal).

MCO conducts its mining operations in accordance with a range of regulatory consents, leases and licences. MCO is committed to operating the Moolarben Coal Complex in an environmentally responsible manner.

Yancoal's *Environment and Community Relations Policy*, as well as details of historical proceedings under Commonwealth, State and Territory Law, are provided in Section 4.2.9. There are currently no proceedings against MCO.

A7.4.10 Other Legislation

The following NSW Acts may also be applicable to the Project:

- *Aboriginal Land Rights Act 1983;*
- *Biosecurity Act 2015;*
- *Coal Mine Subsidence Compensation Act 2017;*
- *Contaminated Land Management Act 1997;*
- *Crown Land Management Act 2016;*
- *Dangerous Goods (Road and Rail Transport) Act 2008;*
- *Electricity Supply Act 1995;*
- *Explosives Act 2003;*
- *Fisheries Management Act 1994;*
- *Heritage Act 1977;*
- *National Parks and Wildlife Act 1974;*
- *Native Title (New South Wales) Act 1994;*
- *Petroleum (Onshore) Act 1991;*
- *Pipelines Act 1967;*
- *Rural Fires Act 1997;*
- *Work Health and Safety Act 2011;* and
- *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

Relevant licences or approvals required under these Acts would be obtained for the Project as required.

A7.5 PROJECT COMPLIANCE WITH STATUTORY REQUIREMENTS

In accordance with the Appendix B of the *State Significant Development Guidelines* (DPIE, 2021), a statutory compliance table to identify relevant statutory requirements and where they have been addressed in the EIS is provided in Table A7-3.

See also Tables 4-1, 4-2, 4-3 and 4-4 which set out the preconditions to granting approval and the mandatory matters for consideration.

Table A7-3
Project Statutory Compliance Summary

Relevant Statute	Relevant EIS Reference
NSW Acts	
Biodiversity Conservation Act 2016	Sections 4.2.10, 6.5, 6.6 and A7.4.6, and Appendices C and D.
Coal Mine Subsidence Compensation Act 2017	Sections 4.2.3 and A7.4.10.
Dams Safety Act 2015	Sections 4.3 and A7.4.4.
Environmental Planning and Assessment Act 1979	Sections 4.2.1 to 4.2.8, 4.3, 6 and A7.1.
Fisheries Management Act 1994	Sections 4.2.3, 4.2.4 and A7.4.10
Heritage Act 1977	Sections 4.2.4, 6.12 and A7.4.10, and Appendix G.
Mining Act 1992	Sections 3, 4.2.3, 4.2.10 and A7.4.1, and Attachment 11.
National Parks and Wildlife Act 1974	Sections 4.2.4, 4.2.10, 6.5, 6.11 and A7.4.10, and Appendices C and F.
Petroleum (Onshore) Act 1991	Sections 4.2.3 and A7.4.10.
Pipelines Act 1967	Sections 4.2.3 and A7.4.10.
Protection of the Environment Operations Act 1997	Sections 3, 4.2.3, 4.2.10 and A7.4.2, and Appendices H and I.
Roads Act 1993	Sections 4.2.3, 4.2.10, 6.10 and A7.4.3, and Appendix O.
Rural Fires Act 1997	Sections 4.2.4 and A7.4.10.
Water Management Act 2000	Sections 4.2.4, 4.2.10, 6.3, 6.4 and A7.4.5. and Appendices A and B.
Other NSW Legislation	Section A7.4.10.
NSW Planning Policies	
Mid-Western Regional Local Environmental Plan 2012	Sections 4.2.2, 4.3, 6.5, 6.11 and A7.3, and Appendices C and G.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Sections 6.5, 6.6 and A7.2.4, and Appendices C and D.
State Environmental Planning Policy (Planning Systems) 2021	Sections 4.3 and A7.2.1.
State Environmental Planning Policy (Resilience and Hazards) 2021	Sections 4.3, 6.13, 6.18 and A7.2.3, and Appendices M and R.
State Environmental Planning Policy (Resources and Energy) 2021	Sections 4.3, 7 and A7.2.2.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Sections 4.3, 6.10 and A7.2.5, and Appendix O.
Commonwealth Acts	
Environment Protection and Biodiversity Conservation Act 1999	Sections 4.2.9, 4.3, 7 and A7.4.9.
National Greenhouse and Energy Reporting Act 2007	Sections 4.2.11, 6.16 and A7.4.7, Appendix J, and Attachment 5.
Native Title Act 1993	Section 4.2.11, 6.11 and A7.4.8, and Appendix F.

A7.6 REFERENCES

Department of Planning (2011). *Hazardous Industry Planning Advisory Paper (HIPAP) No. 6: Hazard Analysis.*

Department of Planning, Industry and Environment (2020). *Biodiversity Assessment Method*.

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

Department of Planning and Infrastructure (2011). *Assessment Guideline: Multilevel Risk Assessment*.

Department of Urban Affairs and Planning and Environment Protection Authority (1998). *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land.*

Environment Protection Authority (2017). *Noise Policy for Industry*.

New South Wales Government (2012). *NSW Aquifer Interference Policy.*

New South Wales Government (2018a). *Voluntary Land Acquisition and Mitigation Policy – for State Significate Mining, Petroleum and Extractive Industry Developments*.

New South Wales Government (2018b). *Non-Urban Water Metering Policy*.