

The background is a solid teal color. Overlaid on this are several large, concentric, irregular shapes in a lighter shade of teal. These shapes are roughly circular but have soft, rounded edges and some internal indentations, creating a layered, organic effect. The shapes are centered on the page, with the innermost shape being a solid dark teal circle.

APPENDIX 8

Statutory Context

1.0 Objects of the EP&A Act

Object	Consideration	Where addressed in the EIS
<p>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</p>	<p>The EIS includes a comprehensive assessment of the positive and negative social, economic and environmental impacts associated with the Project.</p> <p>The EIS includes an overall assessment of the merits of the Project having regard to these issues.</p>	<p>Section 7.0 and 8.0</p>
<p>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The EIS provides the consent authority with a comprehensive assessment of the positive and negative social, economic and environmental impacts associated with the Project and considers these impacts in the context of the principles of ecologically sustainable development including inter-generational equity and the precautionary principle.</p> <p>The stakeholder engagement processes undertaken for the Project and the public exhibition of the EIS provide additional opportunities for community views on the project to be provided and incorporated into the decision making processes of both the proponent and the consent authority.</p>	<p>Sections 6.0, 7.0 and 8.0</p>
<p>To promote the orderly and economic use and development of land,</p>	<p>The Project is a 'brownfields' mining project and is an extension of an existing operating coal mining operation and will utilise existing infrastructure.</p> <p>Open cut coal mining is permissible with consent in the Project Area.</p> <p>The overall merits of the Project are considered in the EIS.</p> <p>The EIS also includes a comprehensive assessment of alternatives to the Project.</p>	<p>Sections 1.0, 7.0 and 8.0</p> <p>Appendix 1</p>
<p>To promote the delivery and maintenance of affordable housing,</p>	<p>Not directly relevant to the Project.</p>	

Object	Consideration	Where addressed in the EIS
<p>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>The EIS includes a comprehensive assessment of the Projects potential impacts on terrestrial and aquatic ecosystems.</p> <p>Consistent with the requirements of <i>the Biodiversity Conservation Act 2017</i>, all impacts on terrestrial ecosystems will be fully offset in accordance with NSW Government policy.</p> <p>The Project is not predicted to have a significant impact on aquatic ecosystems.</p>	<p>Section 7.6 (Biodiversity)</p>
<p>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The Project will require the relocation of the Ravensworth Homestead which is listed as an item of local heritage significance in the Singleton Local Environmental Plan but has been assessed as having significant heritage values by the Heritage Impact Assessment prepared as part of the EIS. A comprehensive package of management measures, including the relocation of the Homestead, is proposed to mitigate the impacts of the Project on these heritage values. The management measures have been developed in consultation with a wide range of community stakeholders. Ravensworth Homestead also has historical significance to some members of the Aboriginal community.</p> <p>The long history of agricultural and mining development in the Project Area has resulted in extensive landscape modification. The Project will impact on a number of Aboriginal sites that have been identified as having low to moderate archaeological significance. The Additional Disturbance Area associated with the Project has a relatively low cultural significance when compared to other places within the wider region.</p>	<p>Sections 7.7 (Aboriginal Cultural Heritage) and 7.8 (Historic Heritage)</p> <p>Appendix 22 and Appendix 23</p>
<p>To promote good design and amenity of the built environment,</p>	<p>The Project is located within an area that is heavily dominated by past, current and proposed mining activity. The Liddell and Bayswater Power Stations are also a dominant component of the surrounding landform. The Project is not inconsistent with the existing land uses in the area.</p> <p>The Mine Infrastructure Area (MIA) will not be visible from any private residences. The Project, including the MIA, will be visible from the New England Highway and Hebden Road with visual and amenity impacts similar to those of the existing and past mining operations.</p> <p>The colouring of cladding used in the MIA will be chosen to be sympathetic to the surrounding terrain.</p>	<p>Sections 3.0 (Project Description) and Section 7.10 (Visual)</p>

Object	Consideration	Where addressed in the EIS
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	All MIA buildings will be designed in accordance with relevant engineering and safety standards.	Section 3.0
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Relevant Government agencies have been consulted during the preparation of the EIS and will be provided an opportunity to review the EIS and provide submissions during the public exhibition period. The views of agencies have been considered in the design of the Project and will be considered as part of the assessment process.	Section 6.0 and Project Design (Section 3.0)
To provide increased opportunity for community participation in environmental planning and assessment.	<p>The local and regional community have been provided with a range of opportunities to participate in the environmental assessment process.</p> <p>The EIS will be placed on public exhibition which will provide further opportunities for community participation in the environmental planning and assessment</p>	Section 6.0

2.0 Section 4.15 Matters for Consideration

Matters for Consideration	Where Assessed in the EIS
Section 4.15(1)	
<p>(a) The provisions of:</p> <p>(i) Any environmental planning instrument that apply to the land to which the development application relates</p> <p>(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved) that apply to the land to which the development application relates</p> <p>(iii) Any development control plan that apply to the land to which the development application relates</p> <p>iii) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 that apply to the land to which the development application relates</p> <p>(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates</p>	<p>Section 4.0 of this Appendix.</p> <p>A draft amendment to State Environmental Planning Policy No. 44 – Koala Habitat Protection was publicly exhibited in late 2016 - early 2017. To date, these amendments have not been made.</p> <p>These draft changes are considered in Appendix 20</p> <p>Not applicable due to operation of Clause 11 of SRD SEPP.</p> <p>Glencore have an existing Voluntary Planning Agreement with Singleton Council with regard to the Mount Owen Continued Operations Project.</p> <p>Glencore have held discussions with Singleton Council regarding a planning agreement relating to the Project and discussion are well advanced.</p> <p>See below</p>
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Sections 7.0 and 8.0 of the EIS
(c) The suitability of the site for the development	Section 4, Section 7.0 and Section 8.0 of the EIS See also Section 4.1 below
(d) Any submissions made in accordance with this Act or the regulations	Comments to be received on the EIS during the public exhibition period.
(e) The public interest Section 4.15(2) and (3)	Section 8.0

Matters for Consideration	Where Assessed in the EIS
<p>(2) Compliance with non-discretionary development standards—development other than complying development</p> <p>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:</p> <ul style="list-style-type: none"> (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, <p>and the discretion of the consent authority under this section and section 4.16 is limited accordingly.</p> <p>(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:</p> <ul style="list-style-type: none"> (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard. 	<p>Clause 12AB of the Mining SEPP prescribes non-discretionary development standards for mining. These non-discretionary development standards are considered in Table 4.2.</p>
<p>Section 4.15(3A) Development Control Plans</p>	<p>Not applicable due to operation of Clause 11 of SRD SEPP.</p>
<p>Clause 92 EP&A Regulation</p>	
<p>For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application—</p> <ul style="list-style-type: none"> (b) in the case of a development application for the demolition of a building, the provisions of AS 2601 	<p>The decommissioning of the Project</p> <p>Any demolition works associated with the project, including decommissioning activities will be undertaken in accordance with AS 2601-2001 (to the extent that it is applicable to the structures being demolished) or any superseding standards.</p> <p>Refer to Section 7.9.</p>

Matters for Consideration	Where Assessed in the EIS
<p>(c) in the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule,</p>	<p>Not Applicable</p>
<p>(d) in the case of the following development, the Dark Sky Planning Guideline— ... (ii) development of a class or description included in Schedule 4A to the Act, State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory,</p>	<p>The Project Area is located in excess of 200 kilometres from the Siding Spring Observatory. Accordingly, this provision does not apply</p>
<p>(e) in the case of a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the Medium Density Design Guide for Development Applications published by the Department of Planning and Environment on 6 July 2018, but only if the consent authority is satisfied that there is not a development control plan that adequately addresses such development.</p>	<p>Not applicable</p>
<p>(f) in the case of a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department of Planning and Environment on 28 June 2019.</p>	<p>Not applicable</p>

3.0 Schedule 2 EP&A Regulation requirements

Regulation Schedule 2 Clause	Requirement	Where Addressed
Clause 6(a)	Name, Address and Professional qualifications of person preparing the EIS	Appendix 3 of the EIS
Clause 6(b)	Name of the Consent Authority	Section 5.2 of the EIS
Clause 6(c)	Address of Land	Appendix 3 of the EIS
Clause 6(d)	Description of development	Section 3.0 of the EIS
Clause 6(e)	Assessment of the environmental impact of the Project	Sections 7.0 and 8.0 of the EIS
Clause 6(f)	A declaration that the EIS has been prepared in accordance with the Schedule, contains all available information relevant to the environmental assessment of the Project and that the information contained in the EIS is neither false nor misleading	Appendix 3 of the EIS
Clause 7(1)(a)	Summary of the EIS	Summary of EIS Document
Clause 7(1)(b)	A statement of the objectives of the development	Section 1.3.1
Clause 7(1)(c)	An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including the consequences of not carrying out the development	Section 1.0 of the EIS and Appendix 1 of the EIS
Clause 7(1)(d)(i)	A full description of the development, activity or infrastructure	Section 3.0
Clause 7(1)(d)(ii)	A general description of the environment likely to be affected by the development	Sections 3.0, 4.0 and 6.0
Clause 7(1)(d)(iii)	The likely impact on the environment of the development	Section 7.0 of the EIS
Clause 7(1)(d)(iv)	A full description of the measures proposed to mitigate any adverse effects of the development on the environment	Sections 3.0, 7.0 and Appendix 5 of the EIS
Clause 7(1)(v)	A list of any approvals that must be obtained under any other Act or law before the development may be lawfully carried out	Section 5.0 of the EIS
Clause 7(1)(e)	A compilation of the mitigation measures referred to in Clause 7(1)(d)(iv)	Appendix 5 of the EIS
Clause 7(1)(f)	The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development	Section 8.0 of the EIS

4.0 Environmental planning instruments

There are a number of environmental planning instruments that are potentially applicable to the Project. These are discussed in the following sections.

4.1 Local Environmental Plans

Singleton Local Environmental Plan 2013 (Singleton LEP)

The Project Area is located within the Singleton LGA and is subject to the Singleton LEP. Under the Singleton LEP, the Mount Owen Complex is located with an area zoned as RU1 Primary Production.

Open cut mining is identified as development which is permissible with consent within the RU1 Primary Production zone.

The objectives of the RU1 zone and an assessment of the Project's consistency with those objectives is summarised in **Table 4.1** below.

Table 4.1 Consistency with RU1 Zone Objectives

Objective	Comment
<p><i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></p>	<p>The Project will result in reduced land capability for some areas directly impacted by the Project. This is discussed further in Section 4.1 of the EIS. Much of the potentially impacted area is already significantly degraded as a result of past agricultural and mining activities. The proposed conceptual final land use for the Project Area will see significant areas rehabilitated as native woodland which is likely to have significantly increased biodiversity values relative to the existing environment in the impacted area. Areas not targeted for woodland rehabilitation will be returned to a condition suitable for sustainable grazing.</p>
<p><i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></p>	<p>The Project extends the life of an existing primary production industry (coal mining). The Project will temporarily reduce the area of land used for agricultural purposes but will reinstate a significant part of this as land suitable for grazing following the cessation of mining.</p> <p>The Rehabilitation Strategy for the Project includes the consideration of alternative land uses in the final landform, including primary production enterprises. Refer to Section 7.9 of the EIS and Appendix 24.</p>

Objective	Comment
<p><i>To minimise the fragmentation and alienation of resource land, and</i></p>	<p>The Project is an extension of an existing coal mining operation and enables the extraction of resources within this area. The proposed mining area will be surrounded on three sides by past mining areas. Not proceeding with the Project is likely to result in the effective sterilisation of coal resources in the proposed mining area (refer to Appendix 1) and Section 8.0 of the EIS.</p> <p>The realignment of Hebden Road will result in a minor fragmentation of approximately 21 hectares of Class 3 and 4 land potentially suitable for intermittent cropping from a larger area also suitable for cropping on the western side of the proposed realignment. This impact is considered further in Section 7.12 of the EIS and Appendix 27.</p>
<p><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></p>	<p>The Project is unlikely to have any additional impact on surrounding zones relative to existing approved operations.</p> <p>Impacts on surrounding land uses are considered further in Section 4.2.2.2 below.</p>

The Project is considered to be consistent with the objectives of the RU1 zone.

4.2 State Environmental Planning Policies (SEPP)

The following SEPPs are relevant to the consideration of the development application for the Project.

4.2.1 SEPP (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies development to which the State Significant Development assessment and determination process under Division 4.1 of Part 4 of the EP&A Act applies.

The Project is State Significant Development as defined by the provisions of the SRD SEPP and requires development consent under Part 4 of the EP&A Act.

4.2.2 SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)

The Mining SEPP regulates the permissibility and assessment requirements for mining, petroleum production and extractive industries and related development. Both clause 7 of the Mining SEPP and the Singleton LEP provide that the project is permissible with consent under the current zoning of the land (refer to **Section 5.2** of the EIS).

Part 3 of the Mining SEPP requires specific matters to be considered in relation to development applications for mining developments.

4.2.2.1 Non-Discretionary Development Considerations

Clause 12AB of the Mining SEPP identifies non-discretionary development standards for mining and provides that the consent authority cannot impose more onerous standards in any approval in relation to the matters covered by the development standard. The prescribed criteria are summarised in **Table 4.2**, with the relevant assessment outcomes noted for each criteria.

Table 4.2 Non-discretionary Development Standards for Mining Under the Mining SEPP

Matter	Non-discretionary Standard	Assessment Outcomes
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 Noise Impact Assessment for the Project found that the cumulative amenity noise level at private receivers surrounding the Project will not exceed the recommended amenity noise levels. Refer to Section 7.3 .
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.	Cumulative annual average PM ₁₀ concentrations are predicted to exceed the non-discretionary cumulative PM ₁₀ annual average criterion of 25 µg/m ³ at a number of private residences. Properties where predicted exceedances of the cumulative PM ₁₀ annual average criterion occur have existing acquisition rights under either the Glendell Consent or other development consents for coal mining operations. Cumulative annual average PM _{2.5} concentrations are also predicted to exceed the non-discretionary cumulative PM _{2.5} annual average criterion of 8 µg/m ³ at a number of private residences. Affected areas are very similar to the areas with predicted exceedances of the PM ₁₀ cumulative annual average criterion. Properties where predicted exceedances of the cumulative PM ₁₀ annual average criterion occur have existing acquisition rights under either the Glendell Consent or the development consents for other coal mining operations. Private residences having acquisition rights under the Glendell Consent will also be afforded acquisition rights under the Glendell Continued Operations Project. Refer to Section 7.2 .
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 per cent of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver.	The detailed blast assessment undertaken for the Project confirms that airblast overpressure levels can be managed effectively to ensure the non-discretionary airblast overpressure criteria is not exceeded at any private residences or potentially sensitive receivers. Any impacts in excess of these criteria would only occur subject to a negotiated agreement with the owner of the residence or sensitive receivers. Refer to Section 7.4 .
Ground Vibration	Ground vibration caused by the development does not exceed:	The detailed blast assessment undertaken for the Project confirms that ground vibration levels can be

Matter	Non-discretionary Standard	Assessment Outcomes
	(a) 10 mm/sec (peak particle velocity) at any time, and (b) 5 mm/sec (peak particle velocity) for more than 5 per cent of the total number of blasts over any period of 12 months measured at any private dwelling or sensitive receiver.	managed effectively to ensure the non-discretionary ground vibration criteria is not exceeded at any private residences or potentially sensitive receivers. Any impacts in excess of these criteria would only occur subject of a negotiated agreement with the owner of the residence or sensitive receiver. Refer to Section 7.4 .
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.	This non-discretionary standard relates to meeting the Level 1 minimal impact considerations for alluvial aquifer systems as specified in the NSW Aquifer Interference Policy. The Project satisfies the minimal impact considerations for alluvial aquifer systems. Refer to Section 7.5 .

4.2.2.2 Other matters for consideration

Clause 12 – Compatibility with other land uses

Clause 12 of the Mining SEPP, extracted below, requires the consent authority to consider the compatibility of proposed mining developments with existing land uses in the area.

12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:

- (a) *consider:*
 - (i) *the existing uses and approved uses of land in the vicinity of the development;*
 - (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.*
- (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).*

Surrounding land uses is discussed in detail in **Section 4.3.5** of the EIS.

The Project is located in an area that has been subject to coal mining activity since the 1960s, with this mining activity coexisting with neighbouring land uses. Other land uses in the immediate vicinity of the Project include cattle grazing, cattle feedlots, hard rock quarries and the residential area of Camberwell.

With the exception of the cattle grazing land directly affected by the Project, the Project is not predicted to have any adverse impacts on agricultural production in the surrounding area. The Project's impacts on agricultural production is discussed in more detail in **Section 7.12** and **Appendix 27**.

Camberwell will be impacted by ongoing noise and dust impacts from Glendell beyond the previously approved mine life under the Glendell Consent. Impacts from the Project are similar to those of the existing approved operations. Camberwell is impacted by a number of different mining operations to the north, east, southeast and west and all private properties in Camberwell have acquisition rights under various development consents for these operations. Air and noise impacts associated with mining at Glendell will decline over the life of the Project as mining operations move away from Camberwell and overall production at the Mount Owen Complex declines.

Potential impacts on the quarry operations in the Hebden area are discussed further below.

The compatibility of the Project with surrounding land uses is considered in more detail in **Sections 7.0** and **8.0** of the EIS.

Clause 12A Voluntary Land Acquisition and Mitigation Policy

Clause 12A requires the consent authority for SSD consider any applicable provisions of the *Voluntary land acquisition and mitigation policy (2018) (VLAMP)* 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.*

The VLAMP consideration requirements also apply to modification applications.

Noise and air quality impacts are discussed in detail in **Sections 7.2** and **7.3** of the EIS and include consideration of the VLAMP. While relevant cumulative air quality assessment criteria are exceeded at a number private residences, all of these properties already have acquisition rights under either the Glendell Consent or the consents for other mining operations. No additional private residences are predicted to have acquisition rights as a result of the Project.

It is expected that the private properties with acquisition rights under the Glendell Consent will also be provided with acquisition rights for the Project.

Clause 13 Compatibility of proposed development with mining, petroleum production or extractive industry

Clause 13 of the Mining SEPP requires the consent authority to consider the potential impact of proposed mining developments on other mining, petroleum production or extractive industry projects or potential resources.

The Project interacts with existing and proposed Mount Owen Mine operations and is located in proximity to Liddell Coal Operations, Ravensworth Operations, Ashton Coal Mine and Integra Underground. The Glendell Continued Operations Project includes integration with the Greater Ravensworth Area Water and Tailings Scheme (GRAWTS) which enables the efficient management of water resources across operations and efficient use of tailings storage infrastructure.

Mining associated with the Project will not have any impact on operations at Ashton. Blasting associated with the Project will be managed to avoid adverse interactions with the Integra Underground Operations (which is also owned by Glencore). A protocol is in place between the Mount Owen Complex and Integra Underground to manage potential blast impacts and this will be extended to the Project.

The proposed Glendell Pit Extension will be located entirely within existing Glencore mining tenements. The geology in the Project Area is well understood and the location of the infrastructure has been chosen to minimise the potential sterilisation of known coal resources in the area and will utilise as much as possible the existing mine infrastructure.

The Project will not have any direct impact on the two hard rock quarry operations located in the Hebden area. Truck movements from these quarries along Hebden Road will be subject to slightly extended travel distances relative to existing conditions and blast related road closures may delay some truck movements. These delays are largely offset by the benefits provided by the previous Hebden Road upgrade works undertaken by Glencore which included the overpass over the Main Northern Rail Line.

Clause 14 Natural Resource Management and environmental management

Clause 14(1) of the Mining SEPP requires the consent authority to consider the impact of a proposed mining project on the natural resources and whether specific environmental management conditions (relating to water resources, biodiversity and greenhouse gas emissions) should be imposed on the development if approved.

The Project's potential impact on natural resources is discussed in detail in **Section 7.0** of the EIS, specifically:

- **Section 7.5** (water resources)
- **Section 7.6** (threatened species and biodiversity)
- **Section 7.13** (greenhouse gas).

Clause 14(3) of the Mining SEPP requires that the consent authority 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. **Appendix 28** quantifies the greenhouse gas emissions associated with the project (including downstream emissions) and includes consideration of relevant domestic and international policies.

Clause 14(3) of the Mining SEPP requires that the consent authority must consider any certification by OEH for measures to mitigate or offset the biodiversity impact of the Project. As discussed in **Section 7.6**, the biodiversity impacts of the Project are being assessed in accordance with the NSW Biodiversity Assessment Method (BAM). This process is certified by the BCD (formerly OEH).

Clause 15 Resource Recovery

Clause 15 of the Mining SEPP requires the consent authority to have regard to the efficiency of a proposed mining development in terms of its ability to optimise coal extraction of the target resources.

The Project has been developed to optimise the recovery of coal resources from within the existing lease areas. This is discussed in more detail in **Appendix 1**.

The extraction of the resources in this area as an extension of the existing Glendell Pit is the only economically viable way of obtaining access to these resources. If the Project does not proceed and the Glendell Void is rehabilitated, the economic costs associated with recommencing operations from the Glendell Pit are likely to preclude the economic viability of mining the coal in the target area. Accordingly, it is likely that the coal reserves in this area will be effectively sterilised if the Project does not proceed.

Clause 16 Transport

Clause 16 of the Mining SEPP requires the consent authority to consider whether or not the mining development under consideration should be subject to conditions restricting the use of public roads for product transport or other mining related traffic.

All product coal will be transported to the Port of Newcastle by rail. Coal is also currently approved to be transported to the Bayswater and Liddell power stations and up to 2 Million tonnes of ROM coal is approved to be transported to Liddell Coal Mine or the Ravensworth Coal Terminal by conveyor. This conveyor infrastructure will be decommissioned as part of the Project however the option of transporting coal to these other destinations by rail will be maintained.

No product will be transported by road.

Road traffic impacts and commitments relating to construction, workforce, the realignment of a section of Hebden Road and ancillary services are considered in **Section 7.11**.

Clause 17 Rehabilitation

Clause 17 of the Mining SEPP requires a consent authority determining a development application for a mining development to have regard to whether to impose specific conditions regarding the rehabilitation of land affected by the proposed mining development.

Areas disturbed as part of the Project will be progressively rehabilitated following mining activities and decommissioning and rehabilitation works completed as part of the closure process following completion of mining. A Rehabilitation and Mine Closure Strategy for the entire Mount Owen Complex has been prepared as part of the EIS and is included in **Appendix 24**. The Rehabilitation and Mine Closure strategy has been based on the currently approved Rehabilitation Strategy for the Mount Owen Complex. This strategy seeks to maximise the benefits that rehabilitation can provide to the creation, recreation and enhancement of biodiversity linkages in the landscape.

The proposed approach to rehabilitation is discussed in more detail in **Section 7.9** of the EIS and **Appendix 24**.

4.2.2.3 Gateway process

Part 4AA of the Mining SEPP together with Clause 50A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provides for the implementation of the NSW Government's Strategic Regional Land Use Plans (SRLUPs). As the Project is located on BSAL outside of existing mining lease areas, a Gateway Certificate was required to accompany the development application.

The Gateway requirements are discussed in further detail in **Section 5.2.1.6** of the EIS.

4.2.3 SEPP No 44 – Koala Habitat Protection

SEPP 44 restricts a Council from granting development consent for proposals on land identified as core koala habitat without preparation of a plan of management. Singleton LGA is listed in Schedule 1 of SEPP 44 and therefore the SEPP applies to the Project.

An extensive biodiversity assessment (refer to **Section 7.6** and **Appendix 20**) has been completed for the Project and includes a Koala habitat assessment. The assessment concluded that the project does not contain 'core koala habitat' as defined in SEPP 44 as there is no resident population of koalas within the Project Footprint and there have not been any recorded sightings of koalas within the Project Area.

4.2.4 SEPP No 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state-wide planning approach to the remediation of contaminated land and to reduce the risk of harm to human health and the environment by consideration of contaminated land as part of the planning process. Under SEPP 55, a consent authority must not consent to the carrying out of development on land unless it has considered any potential contamination issues.

A search of the EPA's NSW Contaminated Lands Public Record Register was undertaken on 3 May 2019. There are no contaminated sites currently recorded within the Project Area, however activities carried out at Mount Owen Complex have the potential to cause contamination if not properly managed. The management of contamination risks is discussed further in **Section 7.14** of the EIS. Any contamination of the land will not affect the suitability of the site for operating as a mine.

4.2.5 SEPP 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 requires the consent authority to consider whether an industrial proposal is a potentially hazardous industry or a potentially offensive industry. A hazard assessment is completed for potentially hazardous development to assist the consent authority to determine acceptability.

The assessment of hazard related to the Project is discussed further in **Section 7.14.2** of the EIS. This assessment concludes that with the incorporation of buffer distances into the design of the hazardous materials storages, that may be relocated as part of the Project, the level of risk to surrounding land users is tolerable. The Project would be carried out in accordance with the environmental management system so that the risk of any hazardous event occurring is minimised.

4.2.6 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State.

Clause 45 of the Infrastructure SEPP requires that for a development application which involves certain works related to or near electricity infrastructure, the consent authority must give written notice to the electricity supply authority for the area in which the development is carried out, inviting comments about potential safety risks. As discussed in **Section 6.5.3**, Glencore has consulted with the electricity supply authorities relevant to the Project, being Energy Australia and Ausgrid.

The Project includes the relocation of 11kV and 33kV electricity transmission lines and other infrastructure located within the Additional Disturbance Area (refer to **Section 3.2.10** of the EIS). The relocation of this infrastructure will be undertaken in consultation with relevant owners and operators of this infrastructure.

4.2.7 State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP declares that the Project (as development for the purposes of coal mining) is SSD. The application of the SRD SEPP is discussed in further detail in **Section 5.2.1** of the EIS.