



MINISTERIAL SUBMISSION

PROPOSED MODIFICATION TO THE ULAN COAL MINE DEVELOPMENT CONSENT

1. SUMMARY

The Ulan coal mine currently operates under several Ministerial development consents.

Ulan Coal Mines Limited (the Applicant) is seeking to modify the Minister's 1985 development consent, under Section 96(1A) of the *Environmental Planning & Assessment (EP&A) Act 1979*, to change the alignment of an approved coal conveyor, which has not been built yet.

The Department has assessed the proposal, and recommends that the Minister approve the proposed modification.

2. CURRENT SITUATION

The Ulan coal mine is located approximately 320 km north-west of Sydney and 40 km north of Mudgee in the western coalfield (Figure 1), and consists of underground and open cut mining operations with associated coal processing and rail infrastructure.

The mine started operations in the 1920s, and currently operates under several Ministerial development consents.

The Minister approved a development application for Stage 2 of the mine on 4 October 1985, following a Commission of Inquiry. This consent was subsequently modified on 15 July 1992 to allow the Applicant to construct and use a coal conveyor between the mining operations in the north and the ROM and product coal stockpiles in the south (see Figure 2).

3. PROPOSED DEVELOPMENT

The Applicant is proposing to modify the alignment of the approved conveyor (see Figure 2).

The new alignment would diverge from the existing alignment to the north-west, and the surge stockpile facilities associated with the approved conveyor would be moved to a location better suited to the new conveyor alignment.

This proposal would include the:

- Construction of a 4 ha box cut with associated underground mine and surface access including a reclaim tunnel (see Figure 2), and drainage for conveyor entry to Underground Mine No. 3;
- Trimming of the existing overburden stockpile;
- Construction and operation of a covered 2.2 km overland conveyor system including associated belt tensioning facilities and stack out structures to the 'hub stockpile' and the existing ROM stockpile (Figure 2);

- Closure of existing access roads where their path crosses the route of the overland conveyor; and
- Construction of a surge stockpile comprising a 60,000 tonne 'hub stockpile' and reclaim tunnel.

All the conveyors and associated infrastructure would be built on ground previously disturbed by the open cut mine.

To enable this proposal to proceed, the Applicant is seeking to modify the Minister's 1985 development consent under Section 96(1A) of the *Environmental Planning & Assessment Act 1979*.

4. STATUTORY PLANNING FRAMEWORK

Consent Authority

The Minister was the consent authority for the original Development Application (DA) approvals, and is consequently the consent authority for this application.

Section 96(1A)

Under Section 96(1A) of the *EP&A Act*, a consent authority may modify a development consent if it is satisfied that the:

- (a) *Proposed modification is of minimal environmental impact, and*
- (b) *Development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section.*

The Department is satisfied that the proposed modification is of minimal environmental impact, as it would reduce the impacts of the original proposal including impacts on indigenous heritage items. The development consent, as modified would be substantially the same development for which consent was originally granted.

5. CONSULTATION

The Department is not required to notify or exhibit the proposed modification, and does not believe any consultation is warranted in this case.

6. CONSIDERATION

The Department has assessed the proposal, and is satisfied that the construction of the proposed conveyor, box cut and associated infrastructure would generate little or no construction impacts, as it would be constructed in an existing open cut mine with the box cut in an existing spoil area.

Impacts associated with the proposal would be minimised as:

- the proposal is situated in an area previously mined;
- the conveyor would be covered to reduce dust;
- the box cut would be placed adjacent to the bottom of the current underground drift in an area of about 4 ha existing spoil dump in a location designed to avoid impacts on indigenous heritage items;
- the box cut would incorporate a collection sump sized for a 1 in 100 year flood event, with pump out to site sedimentation dam;

- the trunk conveyor drive located in the box cut would be over 40 m below ground level and this would provide noise attenuation; and
- the nearest property not owned by the Applicant is approximately 4 km at Ulan Village;

7. DRAFT CONDITIONS

The Department has prepared a draft notice of modification for the development consent.

8. RECOMMENDATION

It is RECOMMENDED that the Minister:

- (1) Consider this submission;
- (2) Determine that the proposed modification is of minimal environmental impact;
- (3) Determine that the development consent, as modified, would relate to substantially the same development to which consent was originally granted;
- (4) Approve the proposed modification under Section 96(1A) of the Act; and
- (5) Sign the attached Notice of Modification.

Sam Haddad
Executive Director

Diane Beamer MP
**Minister Assisting the
Minister for Infrastructure & Planning
(Planning Administration)**