

Ulan Coal Modification 5

Administrative modification to correct misdescription
State Significant Development Modification Assessment (08_0184 MOD 5)

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1 Introduction

Ulan Coal Mine is located near the village of Ulan, approximately 38 kilometres north of Mudgee and 19 kilometres northeast of Gulgong in the Mid-Western Regional Council local government area. Ulan Coal Mine is operated by Ulan Coal Mines Limited (UCML) which is jointly owned by Glencore Coal Assets Australia Pty Limited (Glencore) and Mitsubishi Development.

1.1 Approval history

The Project was approved by the former Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in November 2010. This approval was upheld by the Land and Environment Court in November 2011, following a merit appeal. The Court's Final Orders were delivered in 2012, which had the effect of updating and replacing the Minister's 2010 approval.

The approval has been modified four times, principally to revise the layout of the underground mining operations and the modified approval allows UCML to:

- extract up to 24 million tonnes (Mt) per annum of run-of-mine coal by underground and open cut methods, until 2033;
- upgrade and use supporting surface facilities, including coal processing, coal handling and transportation systems;
- transport product coal to export markets

The open cut mining operations have ceased, and the mine is now operating only as an underground mine using longwall mining in two large mining domains: Ulan West and Ulan No 3.

A summary of the approved modifications is provided in **Table 1**

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none"> • Carry out second workings in the North 1 Underground Mining Area • Mine plan refinements including extension of three longwall panels • Concrete Batching Plant 	Director General	75W (now repealed)	December 2011
MOD 2	<ul style="list-style-type: none"> • Remove restrictions on blasting • Mine plan refinements including modification of panel geometry of five longwall panels 	Department	75W (now repealed)	May 2012
MOD 3	<ul style="list-style-type: none"> • Mine plan refinements including extension of longwall panels LW 6-12 at Ulan West • Extract an additional 13Mt of ROM coal • Minor changes to surface infrastructure 	Department	75W (now repealed)	March 2016
MOD 4	<ul style="list-style-type: none"> • Mine plan refinements including extension of longwall panels LW 30-33, W7 and W8 at Ulan No 3 and LW 7 and LW 8 at Ulan West • Extract an additional 6.4Mt of ROM coal • Changes to surface infrastructure 	Department	75W (now repealed)	July 2019

2 Proposed modification

UCML is seeking to modify figures included in Project Approval 08_0184 that are misdescriptions of mine plans that were approved in previous modifications. The current figures that depict the Ulan West mine plan in Appendix 2 to 7 of Project Approval 08_0184 include the following misdescriptions:

- the location of the approved recovery position at the southern extent of LW 8 is incorrect
- the location of the approved recovery position at the southern extent of LW 6 is not shown.

Ulan West longwall panels LW 6 and LW 8 were extended to the southern extent of the proposed mine plan as part of MOD 3 as shown in the figures in the Ulan West Modification Environmental Assessment (Umwelt, 2015). The consolidated consent issued following the approval of MOD 3 included figures showing the approved recovery positions for LW 6 and LW 8.

The misdescription has arisen during the assessment process for MOD 4. The modification involved the extension and widening of longwall panels at Ulan No 3 and the northern extension of longwall panels LW 7 and LW 8 at Ulan West. MOD 4 did not involve the amendment of the approved southern extent of the longwall panels at Ulan West, including LW 6 or LW 8. However, the figures used in the Ulan Continued Operations Project – Modification 4 Longwall Optimisation Project Environmental Assessment (Ecological, 2018) included the incorrect southern extent of LW 6 and LW 8 as described above. These figures were subsequently included throughout Appendix 2 to 7 of Project Approval 08_0184.

UCML proposes that the following figures in Project Approval 08_0184 be updated to correct the misdescription:

- Appendix 2 – Ulan Complex Operations
- Appendix 2 – UCML Site Access Roads
- Appendix 2 – Water Management Infrastructure
- Appendix 2 – Power and Telecommunication Services
- Appendix 3 – Land Ownership
- Appendix 4 – Offset and Management Areas
- Appendix 5 – Land Capability
- Appendix 6 – Aboriginal Site Locations
- Appendix 7 – European and Natural Heritage Sites/Items within Project Area.

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving a minor misdescription under section 4.55(1) of the EP&A Act as the modification would not result in changes to the operation or use of the site.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1) of the EP&A Act and does not constitute a new development application. Accordingly, the Department

considers that the application should be assessed and determined under section 4.55(1) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Resource Assessments, may determine the application as UCML did not make any political donations and there were no objections.

4 Engagement

The Department made the modification application available on its website from 3 August 2020. Due to the minor nature of the modification application, the Department did not exhibit the modification application. No representations were received by the Department relating to the proposed modification.

5 Assessment

In assessing the merits of the proposed modification, the Department has considered the existing project approval, the previous environmental assessments for the Project, including modifications, the modification application, applicable government policies and guidelines and requirements of the EP&A Act.

The Department has considered whether the proposed changes would result in any material increases in the environmental impacts of the Project.

The proposed modification relates to correcting errors in figures in the project approval and therefore the Department considers there would be no impacts beyond those that were assessed and approved under the existing approval.

6 Evaluation

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the modification application letter lodged by UCML and documentation relating to the approved project. The Department considers that the proposed changes are appropriate as:

- the proposed changes are administrative in nature and correct errors in figures provided by UCML for Mod 4 and incorporated into the development consent Appendices; and
- the changes would not result in any additional environmental impacts that require consideration under Section 4.15(1) of the EP&A Act.

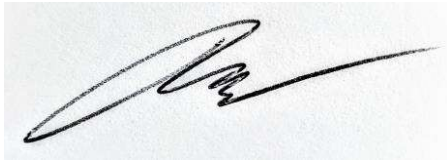
Accordingly, the Department has prepared a consolidated consent (**Appendix C**) and notice of modification (**Appendix D**) that replaces the relevant figures in the project approval.

7 Recommendation

It is recommended that the Director, Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application 08_0184 MOD 5 falls within the scope of section 4.55(1) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the approval 08_0184
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



6/08/2020

Jack Turner
Senior Environmental Assessment Officer
Resource Assessments

8 Determination

The recommendation is **Adopted/ ~~Not Adopted~~** by:



7/8/2020

Stephen O'Donoghue

Director
Resource Assessments
as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Ulan West Modification Environmental Assessment (Umwelt, 2015)

Ulan Continued Operations Project – Modification 4 Longwall Optimisation Project Environmental Assessment (Ecological, 2018)

Appendix B – Modification report

Appendix C – Consolidated consent

Appendix D – Notice of modification

Appendices B to D can be found on the Department's Major Project Planning Portal at:
<https://www.planningportal.nsw.gov.au/major-projects/project/39436>