

### Mod 6 – Underground mining extension

The Department of Planning and Environment – Crown Lands (department) has reviewed the proposal.

The Ulan Coal – Continued Operation Project approved as part of Project Approval 08\_0184 includes approximately 6000 ha of Crown land.

Occupation of Crown land for mining or mining related activity cannot occur without compensation agreements under Section 265 of the *Mining Act 1992*. These agreements do not currently exist between Ulan Coal Mines Pty Limited (Ulan Coal) and the Minister administering the *Crown Land Management Act 2016*. The department is yet to receive compensation for the occupation of Crown land under Section 265 of the *Mining Act 1992*.

Condition 46 in Schedule 3 of Project Approval 08\_0184 requires Ulan Coal to provide long term security for environmental offset areas to the satisfaction of the Director-General (NSW Planning).

To assist Ulan Coal in meeting Condition 46, delegates for the Minister administering the *Crown Land Management Act 2016* agreed to establish Conservation Reserves over 300.78 hectares of Crown land (conservation reserves were gazetted on 6 December 2019), subject to payment of compensation. The department is yet to receive compensation for the occupation of Crown land for the purposes of Condition 46 of the Project Approval 08\_0184.

The department reiterates, for mining operations involving Crown land or Crown Roads, the following requirements apply:

1. All Crown Land and Crown Roads within a Mining Lease (with surface rights), subject to mining or mining related activity, must be subject to a Compensation Agreement issued under Section 265 of the *Mining Act 1992*, to be agreed and executed prior to any mining activity taking place. The Compensation Agreement may include conditions requiring the Mining Lease Holder to purchase Crown land impacted on by mining activity.
2. All Crown Land and Crown Roads located within an Exploration Licence, subject to exploration activity, must be subject to an Access Arrangement issued under Section 141 of the *Mining Act 1992*, to be agreed and executed prior to any exploration activity taking place.
3. All Crown Land and Crown Roads within a Mining Lease (with sub-surface rights only) must be subject to a Section 81 Consent under the *Mining Act 1992* where surface activities are proposed, to be agreed and executed prior to any surface activity taking place.
4. All Crown Roads within a Mining Lease or Exploration Licence must be subject to a works consent approval under s138 and or s71 of the *Roads Act 1993* where exploration, mining or mining related activity impact on these roads.

Yours sincerely



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