

Office of the General Manager

AH:A0420028

18 November 2025

Gen Lucas
NSW Department of Planning, Housing and Industry
12 Darcy Street
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Dear Gen

SUBJECT: Mod 8 - Ulan West Continued Operations (MP08_0184-Mod-8)

Thank you for providing Mid-Western Regional Council with the opportunity to review Mod 8 - Ulan West Continued Operations documents associated with Ulan Mine.

Council has reviewed the associated reports and would like to provide the following comment.

Transport

Should the proposed modification interface with any Council assets, including local roads, a detailed assessment of potential impacts on Council's road network must be undertaken. In addition, a Traffic and Transport Management Plan is to be prepared to the satisfaction of Council.

Council acknowledges that Ulan Road serves as the primary access route to the Ulan Coal operations and does not require assessment as part of this modification. However, if any other local roads are proposed to be used for construction or operational access, a detailed assessment will be required.

Aboriginal Heritage

Figure 6-1 identifies a portion of the approved area that was not assessed due to inaccessibility. To ensure the accuracy and completeness of the assessment, the entire area proposed for disturbance should be assessed under the AHIP process. The report does not provide an explanation for why this area was inaccessible to archaeologists; however, as noted within the report, it is highly likely or possible that additional artefacts or sites of cultural significance may be present within this unassessed area.

Further information on the procedures that will be followed in the event that a previously unidentified artefact, site, or burial is discovered during works should be provided.

Environmental Modification Report

- Greenhouse Gas Emissions Estimates

It is noted that two different estimates of annual greenhouse gas emissions are presented within the documentation without clarification. Specifically:

- Page 6 (Summary Section) states that *“Direct annual greenhouse gas emissions from the UWCO Modification are estimated to be 0.017 Mt CO₂-e per annum... approximately 0.004% of Australia’s estimated emissions and approximately 0.015% of NSW emissions.”*
- Page 156 (Section 6.10 – Greenhouse Gas) states that *“Scope 1 and 2 GHG emissions from the UWCO Modification are estimated to be 0.022 Mt CO₂-e per annum on average... approximately 0.005% of Australia’s estimated emissions.”*

Council requests clarification on the discrepancy between the two estimates (0.017 Mt and 0.022 Mt CO₂-e) and the associated percentages. It would be appropriate to confirm whether these figures relate to different emission scopes, timeframes, or underlying assumptions.

- Characterisation of Environmental Impact

The documentation characterises the UWCO Modification as having “minor” environmental impacts, which may understate the extent of proposed disturbance. Specifically:

- Page 6 (Summary Section) states *“Relatively minor changes to the currently approved environmental and social impacts.”*
- Page 88 (Section 6.5 – Biodiversity) notes *“Direct impact of up to 101 ha of native vegetation, including 31.77 ha of Critically Endangered Ecological Community (CEEC).”*

Council requests clarification on the basis for describing the impacts as “minor,” given the proposed clearing of 31.77 ha of CEEC. Further justification for this characterisation and, where relevant, a comparison with the scale of impacts associated with previous modifications to assist in contextualising the assessment is appropriate.

- Groundwater Quality and Stygofauna Impact

Council notes a slight inconsistency in the language used to describe groundwater and stygofauna impacts within the documentation. Specifically:

- Page 66 (Section 6.3 – Groundwater) states *“No significant impacts to groundwater quality... no predicted impacts to groundwater dependent ecosystems, springs or stygofauna.”*
- Page 117 (Section 6.5.4.4 – Stygofauna Assessment) states *“Modelled impacts to groundwater from the UWCO Modification are minimal... not likely to have a significant impact on the stygofauna community.”*

Council requests clarification on the apparent inconsistency between the two sections. Please confirm whether the impact on groundwater and stygofauna has been assessed as negligible, or if there remains a low level of residual risk. Consistent terminology should be applied throughout the documentation to ensure the assessment findings are clearly understood.

Biodiversity Development Assessment Report (BDAR)

- Vegetation Clearing

The BDAR acknowledges that vegetation clearing associated with exploration drilling occurred after the aerial imagery used in the report was captured. However, this clearing does not appear to have been included in the vegetation mapping or impact calculations.

Council requests the following actions be considered:

- Incorporate updated spatial data to reflect the current extent of vegetation, including areas cleared for exploration drilling.
- Undertake a supplementary assessment to quantify the biodiversity impacts associated with exploration-related clearing.
- Revise or append the BDAR to include these impacts within the overall vegetation impact and offset calculations.
- Ensure future assessments incorporate recent land use changes, verified through updated imagery or field validation, prior to finalising impact assessments.

- Rehabilitation Area and Biodiversity Offsets

Council notes that throughout the BDAR, the 2017 Open Cut Mine Rehabilitation area—comprising 29 ha of *Biodiversity Conservation Act* listed Box Gum Woodland—is characterised as having lower biodiversity value compared to remnant vegetation. Council considers that the rehabilitation area's achievement in meeting BAM-C specifications for offset eligibility is significant and should not be undervalued in comparison with degraded remnant vegetation.

Council requests the following actions be considered:

- Recognise the ecological value of the rehabilitation area in the BDAR and associated offset calculations.
- Given that Regent Honeyeaters show a preference for juvenile trees (as noted in a recent workshop with BirdLife expert and Coordinator of the Regent Honeyeater Recovery Plan, Mr Mick Roderick), ensure that this rehabilitation area is offset on a like-for-like basis within a Mid-Western Regional Council Stewardship Program.
- Alternatively, if a like-for-like offset is not feasible, Ulan is to implement a new rehabilitation program of equivalent ecological value to ensure appropriate biodiversity outcomes.

- Assessment of Subsidence Impacts to Microbats (Section 8.2.1.1)

Large-eared Pied Bats have been recorded as lactating at sites UGLWW3 and UGLWW4 each year since 2016, although breeding individuals have not been identified within the subject land and therefore species credits have not been triggered. Council recommends that ongoing monitoring and Trigger Action Response Plans (TARPs) be established for the Modification Area within the updated Biodiversity Management Plan to ensure appropriate protection for this highly mobile species.

Stygofauna Impact Assessment

Council notes that monitoring bores for the Modification Area are currently located upstream and downstream of the site, with gaps in the Cockabutta Creek tributary. No monitoring bores are present within Cockabutta Creek, which is predicted to experience 2–5 m drawdown under the UWCO Modification. While the Assessment suggests that, due to the ephemeral nature of the tributary, it is “unlikely to have any stygofauna” (Section 6.2 – Impacts on Stygofauna Communities), no ground-truthing data has been provided to support this conclusion.

Council requests the following actions be considered:

- Install additional monitoring bores within the predicted drawdown zone of the Cockabutta Creek tributary.
- Install additional monitoring bores in the lower Mona Creek alluvium to confirm connectivity with the Talbragar River aquifer.
- Implement further monitoring requirements:
 - Conduct quarterly monitoring of water levels and water quality parameters, including pH, EC, DO, and temperature.
 - Undertake annual stygofauna sampling for the first three years, with a review of monitoring frequency and scope based on findings.
 - Implement adaptive management in accordance with the NSW Aquifer Interference Policy, including TARPs and remedial actions if observed impacts exceed predictions.

Council notes that the existing VPA between UCMPL and Mid-Western Regional Council continues until 2032 (21 years). Council will contact UCMPL under separate cover to discuss the extension of the VPA to cover the additional 6 years.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a long horizontal line extending to the right.

BRAD CAM
GENERAL MANAGER
MID-WESTERN REGIONAL COUNCIL