

2 December 2020

Seq No: 78/20

Mr Steve O'Donoghue Director Resource Assessments Department of Planning, Industry & Environment GPO Box 39 Sydney, NSW 2001

Dear Mr O'Donoghue,

## Re: Change to Conceptual Location of Infrastructure in the Durridgere SCA.

Ulan Coal Mines Limited (UCML) seeks the concurrence of the Department of Planning Infrastructure and Environment (DPIE) that a proposed change to the conceptual surface infrastructure for the Ulan Underground mine is considered to be in accordance with the Project Approval and 'generally in accordance with' the EA, as approved by Modification 4 in July 2019. The surface infrastructure which will be revised is located within the Durridgere State Conservation Area (SCA).

The approved and proposed infrastructure locations are shown on Figures 1 and 2 respectively, in Attachment 1. The approved dewatering infrastructure locations have been re-designed to avoid a number of adverse impacts, as described below, while maintaining consistency with the approved work in terms of overall disturbance and impacts to environmental and community values.

The proposed conceptual design consists of two dewatering locations (rather than the 3 approved) and one access path which diverges along a ridge line to access each of the dewatering sites. The Southernmost dewatering site will now not be used. The middle dewatering site will be re-configured to a smaller area, as the larger area was only needed to accommodate the cut and fill required to resolve the slope at that location.

While the approved design is constructible, it is not optimal from a practical or environmental management perspective. An alternative design for the pad and the access track are proposed as shown on Figures 1 and 2, in Attachment 1. The revised design is as consistent as possible with the agreed design; however, wet conditions persist for approximately 500 metres to the north of the proposed access track location for the middle dewatering site.

The revised design is conceptual and may be subject to change. Any necessary changes will be designed such that they do not have a material impact on the level of disturbance or impact and will ensure the final design is in accordance with the Project Approval and 'generally in accordance' with the EA.

The proposed revised location has the following advantages:

- Access track alignment: Historically cleared as a forestry track, there are few mature trees in the proposed alignment and the amendments result in less disturbance overall
- The proposed access track aligns with the higher elevation contours in the area and does not cross any flow lines
- Infrastructure pad: The proposed infrastructure pad is located on a flat area. Cut and fill are not required, resulting in considerably less earthworks. The total area of the pad will be smaller than the approved dimensions, taking the pad area from 90 by 90 metres to 75 by 75 metres.

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The proposed modification is consistent with guidance outlined in 'the Blue Book'<sup>1</sup> Volume 2C which provides the following principles relevant to the project and specific to unsealed roads at section 3.2:

- reduce the catchment area above the road or track by locating the road along a ridge or as high as possible on side slopes
- minimise disturbance to soil and vegetation
- minimise the number of watercourse and drainage line crossings
- avoid steep cross-slopes (greater than 18 degrees)
- avoid areas of riparian vegetation and maintain buffer strips between the road and any watercourse
- avoid areas where there are perched water tables, swamps, or areas of poor drainage

Alternative routes for the proposed unsealed road or track should be considered if an assessment of the above issues finds that the proposed route has an unacceptably high erosion or environmental hazard, or high construction or maintenance costs.

The Ulan Coal Continued Operations – Modification 4 Longwall Optimisation Project Environment Assessment approved the installation, operation and maintenance of three dewatering bores, associated infrastructure and tracks within conceptual locations. The proposal was determined by the Independent Planning Commission on 17 July 2019. Environmental and community factors relevant to infrastructure approved and proposed within the Durridgere SCA are detailed for comparison below.

- Biodiversity
  - Surface disturbance of 4.11 hectares of native vegetation, none of which is categorised as Threatened Ecological Community (TECs) listed under either the *Biodiversity Conservation Act* 2016 (BC Act) or the *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act). The revised location proposes 3.21 ha of disturbance
  - There is also no impact to threatened flora, threatened fauna, communities or their habitat described in the BC Act or EPBC Act. A potential habitat community for the threatened Regent Honeyeater (*Anthochaera Phrygia*), Narrow-leaved Ironbark, Black Cypress Pine, and Grey Gum vegetation community (Plant Community Type (PCT) 479) is present in the disturbance area. However, the area is not considered significant habitat for *Anthochaera Phrygia*, based on an assessment completed by Dr Stephen Debus (expert for Regent Honeyeater, as approved by DPIE 11 November 2019) in June 2020<sup>2</sup>. No other fauna or fauna habitat impacts were identified for the approved or proposed works
- Water Impacts
  - The predicted groundwater extraction for the Ulan Coal Continued Operations increased by 4% with Modification 4. The approved works would affect no additional privately owned bores. The Project Approval PA08\_0184, Schedule 3, condition 30 requires the provision of equivalent water supply within 24 hours of any loss being identified. Water impacts are unchanged by the revised location.
  - The Ulan Coal Continued Operations Modification 4 Longwall Optimisation Project Environment Assessment stated that erosion and sediment controls would be implemented, consistent with 'the Blue Book'<sup>3</sup> to ensure construction of the surface infrastructure corridor does not impact upon the

<sup>&</sup>lt;sup>1</sup> Managing Urban Stormwater: Soils and Construction Volume 2C (DECC, 2008) (the Blue Book) accessible at: https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Water-quality/managing-urban-stormwater-soilsconstruction-volume-2c-unsealed-roads-0802.pdf

<sup>&</sup>lt;sup>2</sup> Eco Logical Australia 2020. Expert Report for Regent Honeyeater, Ulan Continued Operations Project – MOD 4 Longwall Optimisation Project (Post Approval Compliance). Prepared for Ulan Coal Mines Limited. – Provided at Attachment 2

<sup>&</sup>lt;sup>3</sup> Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004) and Volumes 2A, 2C, 2D and 2E (DECC, 2008). https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-editon

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quantity or quality of surface water. The revised locations provide improved consistency with the application of this guidance as described above.

- The revised locations will have no adverse impact on flow lines within Curra Creek
- Community and Social Impacts
  - o No impact to Cultural or Historic Heritage were identified for the approved or proposed works
  - Noise mitigation barriers will be installed for the period of construction of the dewatering sites. Two properties to the East of the Durridgere SCA may, in worst case conditions, still experience elevated noise levels over a two month period while each of the proposed boreholes are constructed. Noise levels are limited by property specific criteria listed at Project Approval (PA08\_0184), Schedule 3, condition 2A<sup>4</sup>. Noise impacts are unchanged for the proposed works.
  - No visual impacts or impacts to air quality are anticipated at properties around the Durridgere SCA as a result of the approved or proposed works.

The below table provides a comparison of disturbance impacts. Figures 1 and 2 provided in Attachment 1 depict the impacts of the approved works and the proposed works.

Aspect	Approved	Proposed
Disturbance (clearing) of Native	4.11 hectares (ha)	3.21 ha
vegetation		
Disturbance of Threatened Ecological	0 ha	0 ha
Communities (TECs) listed under the BC		
Act and / or the EPBC Act		
PCT478 - Red Ironbark - Black Cypress	1.492 ha	2.043 ha
Pine - stringybark +/- Narrow-leaved		
Wattle shrubby open forest on sandstone		
in the Gulgong - Mendooran region,		
southern Brigalow Belt South Bioregion		
PCT 479 - Narrow-leaved Ironbark-	1.824	0.882
Black Cypress Pine - stringybark +/- Grey		
Gum +/- Narrow-leaved Wattle shrubby		
open forest on sandstone hills in the		
southern Brigalow Belt South Bioregion		
and Sydney Basin Bioregion		
PCT 479 - Species Credits under BAM for	Not required – Department of	0.942 ha less impact to PCT
Anthochaera phrygia (Regent Honeyeater)	Planning, Industry and	479
	Environment (DPIE)	
	approved technical expert	
	report (Dr Stephen Debus)	
PCT 624 - Large-fruited Grey Gum -	0.284	0.281
Narrow-leaved Stringybark open forest		
on sheltered sandstone hillslopes in the		
Scone region of the upper Hunter Valley		
PCT 472 – Thyme Honey-myrtle – red	0.062	0
gum – Mugga Ironbark shrubland /		
woodland in impeded drainage flats or		

<sup>&</sup>lt;sup>4</sup> Ulan Coal Mines Limited Consolidated Consent: PA08\_0184 <u>https://www.ulancoal.com.au/en/about-us/approvals-</u> licenses/MajorApprovals/Ulan%20Coal%20Consolidated%20Consent.pdf



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depressions in the southern Brigalow		
Belt South Bioregion		
PCT 477 – Inland Scribbly Gum – Red	0.445	0
Stringybark – Black Cypress Pine – Red		
Ironbark open forest on sandstone hills		
in the southern Brigalow Belt South		
Bioregion and northern NSW South		
Western Slopes Bioregion		
BCD determined reasonable equivalent	29	29
credits (Biodiversity Assessment Method		
(BAM))		
Impact to other PCTs, including PCT 401,	No other PCTs identified in	No other PCTs in proposed
habitat for (Anthochaera phrygia (Regent	Durridgere SCA	revised area - unchanged
Honeyeater), Petaurus norfolcensis		
(Squirrel Glider) and Phascolarctos		
cinereus (Koala).		
Disturbance of Threatened flora	0	0
Disturbance of Threatened fauna	0	0
Disturbance of fauna habitat (general)	0	0-1 habitat tree identified
		close to but not actually in
		proposed corridor (shown in
		Figure 2 inset)
Disturbance of habitat for threatened	0	0
fauna species		

UCMPL sought legal advice as to whether the proposal could be considered to be in accordance with the Project Approval and 'generally in accordance' with the EA. The legal advice concluded as follows:

Under condition 2(a) of Schedule 2 of the Project Approval, UCML must carry out the project in accordance with the project approval and 'generally in accordance with' the Environmental Assessment (EA), which includes the EA for Mod 4 "Ulan Continued Operations Project –Modification 4 Longwall Optimisation Project Environmental Assessment".

The EA contains the following text in the context of the dewatering infrastructure:

"Additional surface infrastructure is required to support mining activities in the proposed Modification area. Modification 4 includes the conceptual redesign of infrastructure and includes provision for access tracks, dewatering infrastructure (boreholes and shedding), powerlines and pipelines."

"Approximately 3.61 ha of surface disturbance within the Durridgere SCA is already approved under PA 08\_0184 for dewatering infrastructure. The proposed Modification proposes a maximum additional surface disturbance of 2.7 hectares (ha) in the Durridgere SCA. The areas are conceptual and will be subject to detailed mine and infrastructure design which is likely to reduce the actual disturbance area required. For the purpose of this environmental assessment (EA), a conservative approach has been taken in respect of the area of potential disturbance; as such this can be considered the maximum potential disturbance, the actual disturbance area is likely to be smaller."

As such, it is clear that the Project Approval and EA provide a degree of flexibility in relation to the location of the dewatering infrastructure and the area of land that will be affected within the Durridgere SCA. In particular, the areas identified for the dewatering infrastructure in the EA are 'conceptual' in nature, and subject to detailed mine and infrastructure design, with a maximum potential disturbance of 6.31 ha.

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Having regard to the environmental impacts associated with the proposed alignment (as outlined above) and the description contained in the EA, the new proposed areas for the dewatering infrastructure are therefore considered to be in accordance with the Project Approval and 'generally in accordance' with the EA.

It is considered that no further approval by the Department of Planning, Infrastructure and Environment is required. The required Biodiversity credits have already been purchased for the project (refer s6.33 Certificate under the BC Act, in Attachment 3).

UCML request advice from DPIE, as requested by the National Parks and Wildlife Service to enable the Occupation Licence to be amended, as follows:

- Does DPIE concur that the proposed areas for the dewatering infrastructure are in accordance with the Project Approval and 'generally in accordance' with the EA?
- Does DPIE concur that the variation affecting land reserved under the *National Parks and Wildlife Act* 1974 is consistent with the MOD 4 supporting environmental assessment document *Ulan Coal Continued Operations Modification 4 Longwall Optimisation Project Environment Assessment* as demonstrated above; and
- Variation of Condition 43A, in Schedule 3 of PA 08\_0184 is not required in relation to the retirement of the specified quantum of ecosystem and species credits to offset the impacts of MOD 4.

If you have any questions, and to respond, please contact Brad Tanswell on 0429 598 542 or <u>Bradley.Tanswell@glencore.com.au</u>

Yours Sincerely,

Charlie Allan General Manager Ulan Coal Mines Limited

Attachment 1: Figures Attachment 2: Regent Honeyeater Expert Report Attachment 3: s6.33 Certificate under *Biodiversity Conservation Act* 2016



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# Attachment 1: Approved and Proposed Design Figures







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**Attachment 2: Regent Honeyeater Expert Report** 

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Attachment 3: s6.33 Certificate under *Biodiversity Conservation Act* 2016