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Submission of Objection Ulan Coalmine Modification 6 Amendment 2 SSD MP08_0184-Mod-6

Introduction

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC has objected to the proposed expansion of the Ulan Coal Complex through both the Modification 6 (Mod 6) and Modification 8 (Mod 8) proposals on the grounds of cumulative impact on biodiversity, water sources, Aboriginal cultural heritage and greenhouse gas emissions (GHG). Also, this large mining operation falls within the Central West Orana Renewable Energy Zone (CWOREZ), the first REZ approved in NSW. Any expansion of mine life will delay the commenced transition through competition for regional jobs.

This Mod 6 Amendment 2 proposal (this proposal) is a result of the setting aside of the Department of Planning, Housing and Infrastructure (DPHI) approval determination in the Land and Environment Court in November 2025.

The documents on exhibition are restricted to the assessment of a final surface infrastructure placement and additional GHG information. There is a failure to assess cumulative impacts with other coal expansion proposals in the region.

1. Mod 6 and Mod 8 assessment process

The proposed Mod 6 expansion is integral to the Mod 8 expansion that proposes a major increase in area of impact, coal production and GHG through an extension of mine life to 2041. The relationship between the two proposals is demonstrated in

Figures 1.1, 1.5, 1.6 and 2.1. of the assessment report for this proposal.¹ The Mod 8 proposal relies on Mod 6 to progress and has now overtaken Mod 6 within the planning assessment process timeline. A response to submissions report is being developed for Mod 8 while new submissions are being sought for this proposal that Mod 8 relies on.

CWEC considers it very poor planning for Mod 6 and Mod 8 to be assessed and determined separately because of the integral linkage. The scale of these proposed large mine expansions combined must be assessed as a new project to enable a fully transparent and independent assessment and determination process. The fact that they fall outside the current mining lease means the large area of new impact has not been assessed under the fully rigorous and independent assessment process afforded a new project.

It is critical that Mod 6 and Mod 8 be resubmitted as a combined new project proposal to fully examine the scale of the cumulative impacts.

2. Cumulative impact on listed Serious and Irreversible Impact (SAII) entities and other threatened species

CWEC has serious concerns about the lack of a cumulative impact assessment process for this proposal, especially because it is following the Mod 8 exhibition period and the impacts of Mod 8 are now known and still being assessed.

All current mining operations in the region across the Ulan Coal Complex, Moolarben Coal Complex and Wilpinjung Coal Mine have caused significant loss of the critically endangered Box Gum Woodland and habitat for threatened microbats, especially the Large-eared Pied Bat and Eastern Cave Bat. The entities listed as SAII are continuing to be removed from the landscape and lose habitat.

The four proposed new expansions in the region: Moolarben Open Cut 3, Wilpinjung Modification 3, Ulan Mod 8 and this proposal continue to impact on SAII species, including the critically endangered Regent Honeyeater and other species threatened with extinction.

The assessment of this proposal fails to include any cumulative impact assessment on biodiversity, particularly from the other three expansion proposals. While this proposal has sought to limit the impact on Box Gum Woodland, it will still result in additional loss from the landscape of this SAII entity.

The destabilization of cliff lines, rocky outcrops and threatened microbat habitat is significant across the Ulan Coal Complex. The cumulative threats to these irreplaceable landscape features through this proposal and Mod 8 are substantial and have not been assessed.

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¹ Umwelt Assessment Report. November 2025 Pp 3, 9, 10, 14

The assessment process itself has been very limited across the large area of impact of the combined Mod 6 and Mod 8 proposals.

The future of SAI entities under persistent threat from large scale mining operations and expansions in the Mudgee Region has not been adequately assessed.

3. Cumulative Impact on Water Resources

This proposal fails to revisit the assessment of water source impacts in relation to the cumulative impact of Mod 8. The progression of the Ulan Coal Complex further into the Murray-Darling Basin causing base flow and groundwater drawdown in the Talbragar River catchment is a significant issue that has not been adequately addressed.

Water modelling for successive expansions of the Ulan Coal Complex have consistently underestimated the water interception and ingress into the underground workings. The Independent Expert Science Committee that consider the implications of these expansions for the water trigger under Federal legislation and the Independent Expert Advisory Panel on Mining under DPHI have both criticised the water model developed to predict impacts on water sources of underground mining at Ulan Coal Complex.

The prediction that drawdown of baseflows to the Talbragar River will continue for many decades after mining is completed is a major longterm cost to the environment and community that is not adequately considered. The purchase of water licences has no effect when an unregulated river system is not flowing and ceases to flow for longer periods of time because of prolonged loss of base flows.

The Talbragar River is an important source of water to the internationally significant Macquarie Marshes, recently listed as endangered under Federal law.

The failure to revisit the assessment of cumulative water impacts in relation to the proposed Mod 8 is a key failing of this proposal.

4. Cumulative Impacts on Aboriginal cultural heritage

The loss of significant Aboriginal cultural heritage across the three Mudgee Region coal mines has been substantial over time. This loss is not being considered adequately in cumulative impact assessments. The emphasis in this proposal assessment report on avoiding impacts on Aboriginal cultural heritage through the placement of the final surface infrastructure fails to address the impacts of subsidence as a cumulative impact in relation to the Mod 8 proposal.

The Ulan area is highly significant for the Wiradjuri Nation with ample evidence of continuous occupation and spiritual connection to country. There has already been

major loss of cultural sites and landscape connection from previous mine approvals in the region.

The failure to revisit the assessment of cumulative Aboriginal cultural heritage impacts in relation to the proposed Mod 8 is a key failing of this proposal.

5. GHG

CWEC has concerns about the lack of transparency around the Ulan Mine reporting of fugitive methane emissions. There is no public record of these available. The emphasis on the coal being low in methane content is not confirmed through any available evidence collected from regular monitoring of ventilation shaft emissions. These are not provided in the Ulan Coal Complex Annual Reports.

The Arien Report (Second Amendment Appendix 6) refers to negligible methane emissions but does not provide volumes to confirm this assessment. There is no commitment in the assessment documents to reduce Scope 1 and Scope 2 emissions. The current management practices are proposed to continue.

The detailed tables and calculations relating to this proposal and NSW targets for GHG reductions until 2035 fail to identify the relationship with Mod 8 and the extension of a larger volume of emissions until 2041. The effort in trying to justify the volume of emissions does not consider the Net Zero Commission Spotlight on Coal Report (December 2025) that indicates that any further expansion of the coal industry in NSW will cause the failure to meet the legislated targets under the Climate Change (Net Zero Future) Act 2023.

This proposal has provided additional information on the predicted environmental impacts of climate change on the Central West Orana Region through scenarios provided by the NSW and Australian Regional Climate Model (NARCLiM) and also data from the National Climate Risk Assessment 2025 that identifies the key hazards relevant to the locality as:

- changes in temperatures, including extremes
- drought and changes in aridity
- bushfires, grassfires and air pollution
- extratropical storms
- convective storms, including hail.

These are the environmental impacts, however, there is no assessment of the social and economic impacts of these key hazards on the locality in relation to GHG from Mod 6 combined with Mod 8.

The assessment fails to meet the requirements of the NSW Environmental Planning and Assessment Act 1979 s 4.15 (1) (b) in line with the Court of

Appeal's decision in *Muswellbrook Scone Healthy Environment Group Inc v MACH Energy Australia Pty Ltd* [2025] NSWCA 163.

6. No Justification

The environmental, social and environmental costs of the proposal, especially when combined with Mod 8 outweigh any potential public benefit.

This proposal falls within the CWOREZ which has commenced major construction of transmission lines and renewable generator projects. There is a significant shortage of regional workforce for these multiple new industry developments. The transition away from coal dependency has already commenced in the Central West.

The proposal report claims in conclusion that '*Coal mining is a significant source of direct and indirect jobs in regional NSW and underpins many local economies.*' This statement does not recognize that new industries entering regional economies are providing economic diversification and strong transition opportunities

The NSW Government is in the process of legislating Future Jobs and Investment Authorities with the aim of supporting communities and local economies to transition away from coal dependency. This transition is already occurring in the Mudgee Region.

The extension of life of Ulan Coal Complex to 2035 to enable a further extension to 2041 will hinder this transition by continuing to compete for workforce in a very tight jobs market.

Ulan Coal Complex has demonstrated that it cannot produce the volume of coal assessed in cost benefits analysis or generate the predicted royalties. It is highly doubtful that the identified volume of coal resource for this proposal, forming the basis of the royalty calculations and public benefit, will be produced.

New developing industries are supporting local businesses, injecting income into the local economy and providing local jobs. The cost benefits analysis for this proposal fails to include the economic and social costs of climate change.

This proposal does not have a demonstrated public benefit that outweighs the long term environmental, social and economic costs.

Conclusion

This project must be rejected for the reasons outlined in this submission:

- It is critical that Mod 6 and Mod 8 be resubmitted as a combined new project proposal to fully examine the scale of the cumulative impacts.

- The future of SAII entities under persistent threat from large scale mining operations and expansions in the Mudgee Region has not been adequately assessed.
- The failure to revisit the assessment of cumulative water impacts in relation to the proposed Mod 8 is a key failing of this proposal.
- The failure to revisit the assessment of cumulative Aboriginal cultural heritage impacts in relation to the proposed Mod 8 is a key failing of this proposal.
- The assessment fails to meet the requirements of the NSW Environmental Planning and Assessment Act 1979 s 4.15 (1) (b) in line with the Court of Appeal's decision in *Muswellbrook Scone Healthy Environment Group Inc v MACH Energy Australia Pty Ltd* [2025] NSWCA 163.
- This proposal does not have a demonstrated public benefit that outweighs the long term environmental, social and economic costs.

For further information on this submission contact:
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