

Please accept this submission from Lock the Gate Alliance, objecting to the approval of Ulan Coal Mine Amended Modification 6.

This project and the other Ulan expansion currently being considered, Ulan Modification 8, together clearly constitute a new project that should be treated as a full development under the Environment Planning and Assessment Act. These two so-called 'modification' projects are being considered by the Department concurrently and are moving through the assessment process concurrently.

Both of the projects are located outside the current mining lease, so it is demonstrably clear that they cannot be considered as 'substantially the same development' as the original development. Together, they clearly represent a substantial new development and should be treated as such by DPHI. These projects should not be allowed to progress as modifications, and should not be approved as such.

Notably, together the two projects will:

1. Create a disturbance footprint of 2,368 hectares
2. Result in a 45% increase in total emissions above current approved operations at Ulan

We contend that the separation of the two projects by the proponent is an attempt to artificially divide what should rightly be seen as one project, which has been done in order to avoid full and proper assessment and consideration of the combined proposal as a standalone development.

DPHI should require these two modifications to be assessed as a new development application together. To do otherwise clearly contradicts the intent of the EP&A Act 1979 in our opinion. If these modifications are substantially the same development as the current mine, why were they not included in the mining lease?

The full impacts of these two projects need to be assessed and considered together.

Further, there should also be analysis conducted of cumulative impacts from existing mine approvals or expansion proposals across the three Mudgee Mines: Ulan, Moolarben, Wilpinjong. To date there has been no assessment of the cumulative impacts on threatened species habitat, significant Aboriginal cultural heritage values, creeks and rivers, and to the amenity and livelihoods of neighbours to these projects.

In relation to the Ulan Mod 6 proposal as it stands, we note that:

1. The amendment report still fails to fully identify the impacts of the increased greenhouse gas emissions on the local environment, community and economy, as required under NSW planning law. Notably, it still does not attempt to assess the full economic impacts to downstream emissions, because it fails to quantify or consider the social costs of carbon for Scope 3 emissions.
2. Approving this project would be at odds with a very clear finding of the Net Zero Commission '[Coal Mining Emissions Spotlight Report](#)' which found that "*Continued extensions or expansions to coal mining in NSW are not consistent with the emissions reduction targets in the Climate Change Act or the Paris Agreement temperature goals it gives effect to*".
3. The proposal will impact habitat for threatened species, including the Large-eared Pied Bat, Eastern Cave Bat, Powerful and Barking Owls and Southern Myotis. The Large-eared Pied Bat and Eastern Cave Bat have ongoing cumulative loss of habitat across the three Mudgee coal

mine operations, including in the proposed Moolarben Open Cut 3 extension. These cumulative impacts have not been assessed for Serious and Irreversible Impact (SAIL) on these threatened microbats. Similarly, the negative impacts on endangered Box Gum Woodland are significant in the context of the overall cumulative loss from mining in the region, which similarly has not been assessed.

4. This mine expansion when combined with Mod 8 will cause significant additional loss of flow to the Talbragar River, and the assessment fails to report the cumulative existing and projected loss of flows in this river due to current approved projects. This is particularly problematic because the Talbragar is a major tributary of the Macquarie River in the Murray Darling Basin that flows in below Burrendong Dam, and these flows are directly connected to the internationally significant Macquarie Marshes.

5. There is considerable evidence of continuous Wiradjuri occupation of the Mudgee region with ongoing spiritual connection to country. A number of cultural heritage values will be impacted by this project, and more so when it is considered along with Ulan Mod 8, whilst the cumulative impacts of all operating and proposed projects in the area are undoubtedly very significant and should be assessed.

Lastly, we note that the Mod 6 and Mod 8 proposals are within the Central West Orana Renewable Energy Zone and are competing for regional workforce urgently needed for new industries in the Central West. Continuing to approve coal mines that will compete for workers with renewables and housing projects fundamentally undermines the NSW Government twin priorities of a domestic energy transition and a step-change in the speed of housing development. Approving projects like these will therefore fundamentally impede the domestic energy transition in the Central West.

The competition for workers from the private sector acting as a brake on NSW Government decarbonisation priorities was identified by the [NSW Productivity and Equality Commission](#) who found that *‘Construction sector constraints will have a large effect on the speed of electricity decarbonisation’* and that *‘Scarcity of construction sector resources has second-round impacts that can adversely impact the cost of living. The electricity transition is an investment task that must be paid for. The more public infrastructure expenditure competes with the private sector for limited capacity, the higher the costs that must be recovered from households and business’*. They concluded that *‘To support the electricity transition, NSW needs to take action to secure a reliable supply of construction-sector workers, across all qualifications and skill levels’*.

It is clear that approving this coal project in the Central West Orana REZ will constitute the NSW Government directly undermining its own transition.

Therefore, when it comes to weighing up the evident costs of this project, versus the purported benefits, it is clear that Glencore arguments made in relation to employment benefits do not stand, and in light of the recent Net Zero Commission report and the Denman decision, neither do the economic benefits, and therefore this project cannot be approved.

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