

10 May 2022

**SUBMITTED VIA PLANNING PORTAL**

Director - Resource Assessments  
Development Assessment, Department of Planning and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear Director - Resource Assessments

**Kurri Kurri Lateral Pipeline Project (SSI-22338205) – Yancoal Australia Limited Submission**

**1. Background**

I refer to State significant infrastructure application SSI-22338205 (**SSI Application**) lodged by APA Transmission Pty Limited (**APA**), seeking approval for the Kurri Kurri Lateral Pipeline (**Pipeline**). The SSI Application is currently being exhibited.

Yancoal Australia Limited (**Yancoal**) is the owner or holder (via its subsidiary Donaldson Coal Pty Ltd) of:

- The Donaldson Coal Mine (**Donaldson**), which is currently undergoing rehabilitation works. Donaldson is authorised under DA98/00147 first granted on 14 October 1999 (as modified) (**Donaldson Approval**).
- The Abel Coal Mine (**Abel**), which is currently on care and maintenance. Abel is authorised under MP05\_0136 first granted on 7 June 2007 (as modified) (**Abel Approval**). While Abel is not currently operational, mining operations are authorised under the Abel Approval until December 2030 and may be recommenced within this period.
- Lot 1392 of DP1126633, which forms part of Donaldson (**Yancoal Land**).
- Tenements ML1461, ML1618, EL5497 and ALA71 granted under the *Mining Act 1992* (NSW), which relate to Donaldson and Abel (**Yancoal Tenements**),

(together referred to as the **Yancoal Interests**).

The proposed alignment of the Pipeline (**Proposed Pipeline Alignment**) crosses:

- the project area under the Donaldson Approval for approximately 2.5 kilometres;
- the project area under the Abel Approval for approximately 5.3 kilometres; and
- the Yancoal Land for approximately 2.5 kilometres.

For a graphical representation of the Yancoal Interests, please see:

- Figure 1 of the Donaldson Approval (extracted in Annexure 1 to this submission) which shows the project area under the Donaldson Approval;
- Appendix 2 of the Abel Approval (extracted in Annexure 2 to this submission), which shows the project area under the Abel Approval; and
- Figure 3.2 of the environmental impact statement lodged in support of the SSI Application (EIS) (extracted in Annexure 3 to this submission) which shows the Proposed Pipeline Alignment.

## 2. Submission

Yancoal and APA are currently in commercial discussions regarding the interaction between the Proposed Pipeline Alignment and the Yancoal Interests. As a part of these commercial discussions, Yancoal has raised various concerns with APA regarding the Proposed Pipeline Alignment across the Yancoal Interests.

In this regard, the alignment of the Pipeline which may be ultimately approved across the Yancoal Interests must take into account Yancoal's various obligations and rights under the Yancoal Interests including, but not limited to:

- various environmental, rehabilitation, incident reporting and other obligations Donaldson and Abel Approvals;
- Yancoal's rights (subject to planning approval) to conduct mining operations and coal exploration activities within the applicable Yancoal Tenements; and
- Yancoal's rights as the freehold owner of the Yancoal Land, including its right to develop the Yancoal Land for future alternative and potentially sensitive uses.

With respect to Proposed Pipeline Alignment, Yancoal would like to draw the Department of Planning and Environment's attention to the following matters:

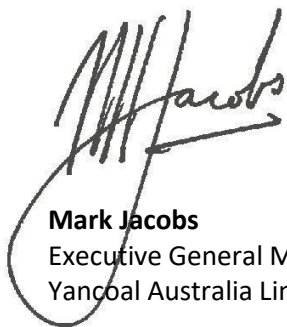
1. No arrangement has been reached between APA and Yancoal as of the date of this submission for the grant of an easement for the Proposed Pipeline Alignment across the Yancoal Interests.
2. The construction, ongoing maintenance and operation of the Pipeline are fundamentally at odds with Yancoal's obligations under the Donaldson and Abel Approvals and its ability to surrender the Yancoal Tenements. Specifically:
  - 2.1. There is no pathway for APA to meet and fully indemnify Yancoal against potential breaches of Yancoal's obligations under the *Work Health & Safety (Mines & Petroleum Sites) Act 2013* (NSW) and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (NSW) at Donaldson and Abel.
  - 2.2. The construction, operation and maintenance of the Pipeline across the Yancoal Interests will materially complicate Yancoal's ability to comply its various environmental, rehabilitation, incident reporting and other obligations Donaldson and Abel Approvals.
3. The EIS provides at section 2.3.6.2 that '*existing sealed haul roads associated with the Abel Coal Mine (under care and maintenance) and the rehabilitated Donaldson Coal Mine*' without qualifying or elaborating on what access roads are proposed to be used.

4. The EIS provides at section 7.2.5.4 that *'[n]o material conflicts with ongoing rehabilitation activities for the Donaldson open cut mine are anticipated during construction or operation of the transmission pipeline'* but does not appropriately and fully assess or explain why this is considered to be the case.
5. The area subject to the Yancoal Interests has been collectively included within the *'National Pinch Point'* area in the NSW Government's *'Draft Hunter Regional Plan 2041'* dated December 2021 (**Hunter Regional Plan**). The Hunter Regional Plan contemplates that the *'National Pinch Point'* area will include future land use development with a mix of residential, employment and open space uses. We consider the Pipeline has a material impact on implementing the land uses proposed for the *'National Pinch Point'* area envisioned in the Hunter Regional Plan.
6. The EIS provides at section 7.10.1.1 that *'[t]he mining areas of Donaldson Coal and Ashtonfields have not been considered sensitive receivers in this assessment, as noise levels in many parts of these active mining areas will likely exceed the noise levels of construction and operational activities associated with the Project'*, which does not recognise that Donaldson (and currently Abel) is not being mined, and operations at Ashtonfields (where the Bloomfield Coal Mine is located) are forecast to cease in 2030. Both areas will be adapted for potentially sensitive uses once fully rehabilitated which has not been considered or assessed in the EIS.

As a result of the significant issues highlighted above, Yancoal requests any approval that may be granted for the Pipeline is granted subject to a condition requiring that *'construction shall not commence until the proposed Easement and APA Work areas are excised from the Yancoal Tenements and the Abel and Donaldson Approvals, or an agreed outcome is reached to the satisfaction of the Secretary of Planning.'*

If you would like to discuss this submission, please contact Alan Andrews via email at [Alan.Andrews@yancoal.com.au](mailto:Alan.Andrews@yancoal.com.au)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Jacobs', with a large, stylized flourish underneath.

**Mark Jacobs**  
Executive General Manager – Sustainability, Approvals, Stakeholders & Assets  
Yancoal Australia Limited



**APPENDIX 2  
PROJECT LAYOUT**

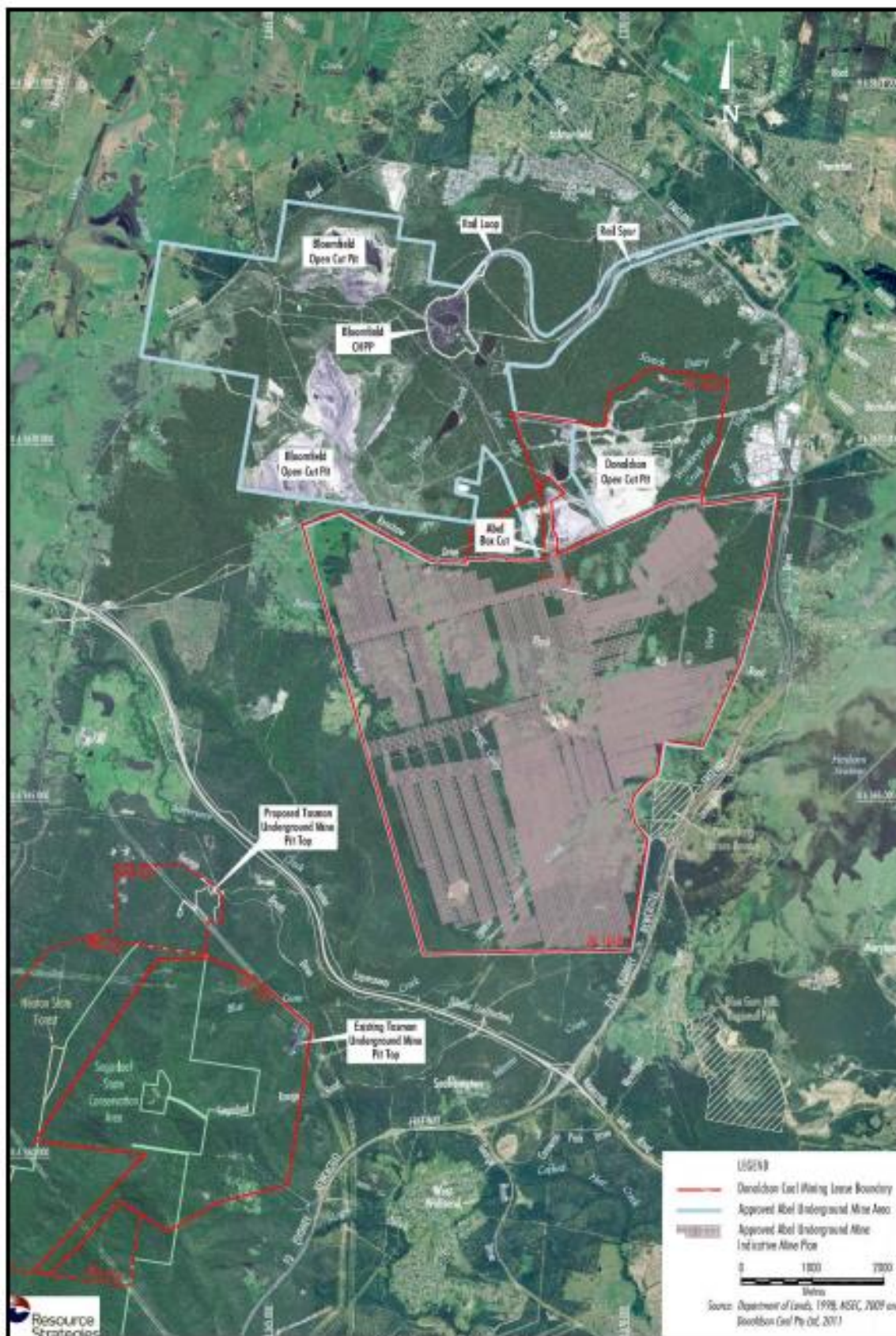
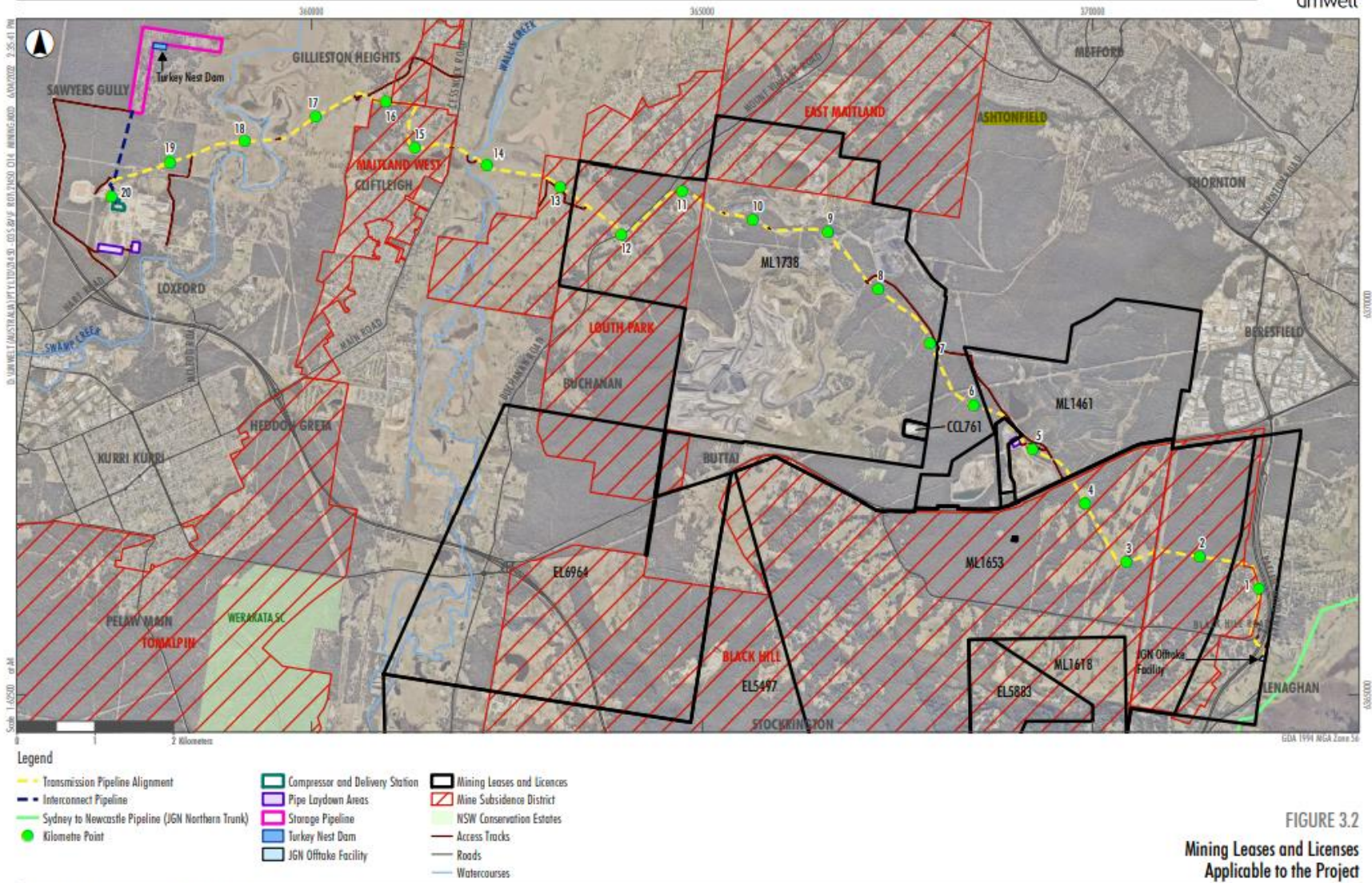


Figure 1: Project area

### Annexure 3 – Pipeline Location in EIS



**FIGURE 3.2**  
Mining Leases and Licenses  
Applicable to the Project

Image Source: Noamap (August 2021) Data source: NSW LPI (2020, 2021)