

23 October 2023

**SUBMITTED VIA PLANNING PORTAL**

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

Dear Director – Resource Assessments

**Central-West Orana Renewable Energy Zone Transmission project (SSI-48323210)**  
**Yancoal Australia Limited Submission**

**1. Background**

- 1.1 We refer to critical State significant infrastructure application SSI-48323210 (**CSSI Application**) lodged by the Energy Corporation of NSW (**EnergyCo**), seeking approval for the Central-West Orana Renewable Energy Zone Transmission project. The CSSI Application seeks approval for the development of new twin double circuit 500 kV transmission lines (**Transmission Infrastructure**) between Wollar and the proposed substations at Merotherie and Elong Elong, and connections to renewable energy generation and storage projects in the Central-West Orana Renewable Energy Zone (**CWO REZ**).
- 1.2 Moolarben Coal Operations Pty Ltd (**MCO**) operates the Moolarben Coal Mine Complex (**Mine**) under joint venture arrangements with Moolarben Coal Mines Pty Ltd (**MCM**), Yancoal Moolarben Pty Ltd (**Moolarben**), and Kores Australia Moolarben Coal Pty Ltd (**Kores**). The Mine is operated under the authority of exploration licence 6288, EL 7073 and EL 7074, and mining lease 1605, ML 1606, ML 1628, ML 1691 and ML 1715 all of which are granted under the *Mining Act 1992* (NSW) (**Mine Tenements**), and has the benefit of major project development consent (MP 05\_0117) (Stage 1), and major project development consent (MP 08\_0135) (Stage 2), both issued under Part 3A of the *Environment Planning and Assessment Act 1979* (NSW) (**Mine Consents**).
- 1.3 MCM, Moolarben, Kores (as tenants in common) own certain parcels of land on which the Mine is operated, and MCM (as an individual entity) owns other parcels of land on which the Mine operates (**Mine Land**). MCM, Moolarben, Kores are together referred to as the **Landowners** in this submission, and MCO is referred to as the **Mine Operator**. Details of the Mine Land are listed in Schedule 1 to this submission.
- 1.4 EnergyCo has advised the Landowners and the Mine Operator, that EnergyCo will be acquiring the following interests over parts of the Mine Land for the purposes of constructing and operating the Transmission Infrastructure:
  - (a) a permanent transmission easement (of approximately 179.50 hectares);
  - (b) a temporary construction easement (of approximately 210.95 hectares);
  - (c) a permanent easement for access (of approximately 1.15 hectares); and
  - (d) a temporary brake and winch construction easement (of approximately 3.50 hectares),(together referred to as the **Easements**).

- 1.5 MCO, MCM and Moolarben are wholly owned subsidiaries of Yancoal Australia Limited (**Yancoal**), and on behalf of MCO, MCM and Moolarben, and on behalf of Kores under the joint venture arrangements, Yancoal makes this submission in response to the public exhibition of the CSSI Application. For the purposes of this submission the Mine Tenements, the Mine Consents and the Mine Land are considered and referred to as **Yancoal Interests**. For a graphical representation of the Transmission Infrastructure and the Yancoal Interests, please see:
- (a) Figure 2.1 of the Mine Consents (extracted in Schedule 2 to this submission) which shows the project area of the Mine (also refer to Figure 3-14, section 3 page 50, and Figure 7-4, section 7 page 19, of the CSSI Application Environmental Impact Statement (**EIS**));
  - (b) Land Ownership plan (Schedule 3 to this submission) which has been prepared by MCO and shows the alignment of the Transmission Infrastructure through the Mine Land; and
  - (c) EnergyCo Proposed Alignment Corridor (Schedule 4 to this submission).

## 2. Submission

- 2.1 Yancoal and EnergyCo are in commercial discussions regarding the interaction between the Transmission Infrastructure and the Yancoal Interests. As a part of these commercial discussions, Yancoal has raised various concerns with EnergyCo regarding the Transmission Infrastructure which crosses, runs through or runs along the Yancoal Interests.
- 2.2 In this regard, the alignment of the Transmission Infrastructure which may ultimately be approved across the Yancoal Interests must take into account various obligations and rights under the Yancoal Interests including, but not limited to:
- (a) various environmental, rehabilitation, biodiversity, heritage, management and reporting requirements and other obligations under the Mine Tenements and the Mine Consents;
  - (b) various work health and safety obligations under the Mine Tenements;
  - (c) Yancoal's rights (subject to the Mine Consents) to conduct mining operations and coal exploration activities within the applicable Mine Tenements, in particular:
    - (i) its right to 24 hour access to the Mine coal handling and processing plant from Ulan Road;
    - (ii) its right to 24 hour access to the Mine open pit from Ulan-Wollar Road; and
    - (iii) its right to access and use its Mine helipad; and
  - (d) Yancoal's rights to develop the Mine Land for expanded mining operations (into areas yet explored), or for future alternative uses.
- 2.3 With respect to the alignment of the Transmission Infrastructure, Yancoal would like to draw the Department of Planning and Environment's attention to the following matters.
- (a) No arrangement has been reached between EnergyCo and Yancoal as of the date of this submission for the grant of the Easements across the Yancoal Interests.
  - (b) The construction, ongoing maintenance and operation of the Transmission Infrastructure is at odds with Yancoal's obligations under the Mine Tenements and the Mine Consents, specifically:
    - (i) there is no pathway for EnergyCo to meet (and fully indemnify Yancoal against potential breaches of) Yancoal's obligations at the Mine under the *Work Health & Safety (Mines & Petroleum Sites) Act 2013* (NSW) and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (NSW); and
    - (ii) the construction, operation and maintenance of the Transmission Infrastructure across the Yancoal Interests will complicate Yancoal's ability to comply with its various environmental, rehabilitation, biodiversity, heritage, management and reporting requirements and other obligations under the Mine Tenements and the Mine Consents (for example biodiversity offset areas that are required to be conserved in perpetuity will be disturbed).

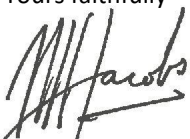
- (c) The CSSI Application EIS does not discuss, consider or assess impacts that possible electrical earthing, lightning, induction, or current or voltage transfer from the Transmission Infrastructure will have on the work health & safety of Mine workers, and/or Mine fixed and mobile plant and equipment.
- (d) Section 7 page 26 of the CSSI Application EIS provides that '*EnergyCo would: identify and secure alternative biodiversity offsets that achieve the biodiversity outcomes required in the approvals issued for the mining operations under the EP&A Act and EPBC Act*'. These alternative biodiversity offset areas are not yet identified. Further, the construction of the Transmission Infrastructure will result in fragmentation of the existing biodiversity offset areas that are connected with the Mine. Although such smaller fragments may reduce the biodiversity value of these offsets, Yancoal would be required to continue to manage these fragmented areas. The proponent will need to identify alternative biodiversity offset areas to offset the biodiversity values directly impacted by the Transmission Infrastructure, as well as the reduced value caused by fragmentation. These replacement biodiversity offsets will need to satisfy both state and federal requirements.
- (e) Section 7 page 27 of the CSSI Application EIS provides that '*at the Moolarben coal mine, areas of potential impact include a small area of Longwall 401 which is proposed to be mined prior to construction, as well as internal haulage and access roads and tailing dams*'. The Transmission Infrastructure project will need to resolve how interactions with these roads during construction will be managed.
- (f) Section 7 page 27 of the CSSI Application EIS provides that '*the construction area would be excised from the active mining area of the Moolarben coal mine extent*'. This interaction will need to be resolved prior to approval.
- (g) Section 7 page 32 of the CSSI Application EIS provides that '*the operational maintenance requirements of the project and respective mining operations would be managed through interface agreements with mining operators, where required. Accordingly, the project is not expected to impact upon mining operations*'. These conclusions are premature given the interactions and potential Mine impacts are still being considered as part of the commercial discussions with Yancoal.

2.4 Yancoal expects that the issues highlighted above can be resolved with EnergyCo (or addressed by EnergyCo) prior to approval for the Transmission Infrastructure being granted. However, if this is not the case, Yancoal requests that any approval granted for the Transmission Infrastructure is granted subject to conditions requiring that:

- (a) '*construction across the Yancoal Interests [as they are defined in this submission] shall not commence until the Easements [as defined in this submission] and other EnergyCo work areas are excised from the Mine Tenements and the Mine Consents [as they are defined in this submission], or an agreed outcome is reached with Yancoal to the satisfaction of the Resources Regulator and the Secretary of Planning.*'
- (b) '*the proponent is to identify and secure alternative biodiversity offsets that achieve the biodiversity outcomes required under the Mine Consents, with the alternative offsets to consider the direct impacts of the Transmission Infrastructure and fragmentation of the existing offsets, and be determined in consultation with DPE, the Australian Government Department of Climate Change, Energy, the Environment and Water and NPWS as relevant.*'
- (c) '*the proponent is to assist and support Yancoal: (1) in seeking modifications to the relevant Mine Consents, and the associated management plans to reflect the location of the Easements and consequential reduced offset areas, where relevant; (2) to modify or vary applicable biodiversity conservation arrangements to reflect the consequential reduced offset areas; and (3) to remove or vary notations on title in respect of any biodiversity conservation arrangements.*'
- (d) '*the proponent is to prepare a management plan that addresses electrical earthing, lightning, induction, or current or voltage transfer that can occur from the 500 kV transmission lines and possibly impact on the work health & safety of Yancoal mine workers, and Yancoal mine fixed and mobile plant and equipment.*'

2.5 If you would like to discuss this submission, please contact Thomas Holz (Manager Property & Tenements) via email [thomas.holz@yancoal.com.au](mailto:thomas.holz@yancoal.com.au)

Yours faithfully

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

**Mark Jacobs**  
Executive General Manager – EGM Environment & External Affairs  
Yancoal Australia Limited

# **SCHEDULE 1 – MINE LAND**

Folio	Owner
2/1143354	MOOLARBEN COAL MINES PTY LIMITED IN 85/100 SHARE YANCOAL MOOLARBEN PTY LIMITED IN 10/100 SHARE KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED IN 5/100 SHARE <i>AS TENANTS IN COMMON</i>
5/1246858	MOOLARBEN COAL MINES PTY LIMITED IN 85/100 SHARE YANCOAL MOOLARBEN PTY LIMITED IN 10/100 SHARE KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED IN 5/100 SHARE <i>AS TENANTS IN COMMON</i>
9/1246858	MOOLARBEN COAL MINES PTY LIMITED IN 85/100 SHARE YANCOAL MOOLARBEN PTY LIMITED IN 10/100 SHARE KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED IN 5/100 SHARE <i>AS TENANTS IN COMMON</i>
8/1246858	MOOLARBEN COAL MINES PTY LIMITED IN 85/100 SHARE YANCOAL MOOLARBEN PTY LIMITED IN 10/100 SHARE KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED IN 5/100 SHARE <i>AS TENANTS IN COMMON</i>
8/626648	MOOLARBEN COAL MINES PTY LIMITED IN 85/100 SHARE YANCOAL MOOLARBEN PTY LIMITED IN 10/100 SHARE KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED IN 5/100 SHARE <i>AS TENANTS IN COMMON</i>
1/722881	MOOLARBEN COAL MINES PTY LIMITED
118/724657	MOOLARBEN COAL MINES PTY LIMITED
106/755454	MOOLARBEN COAL MINES PTY LIMITED
50/755454	MOOLARBEN COAL MINES PTY LIMITED
30/755484	MOOLARBEN COAL MINES PTY LIMITED
29/755454	MOOLARBEN COAL MINES PTY LIMITED
6/1266407	MOOLARBEN COAL MINES PTY LIMITED
5/1266407	MOOLARBEN COAL MINES PTY LIMITED
4/1266407	MOOLARBEN COAL MINES PTY LIMITED
3/1214133	MOOLARBEN COAL MINES PTY LIMITED
2/1246858	MOOLARBEN COAL MINES PTY LIMITED
1/1214133	MOOLARBEN COAL MINES PTY LIMITED

## SCHEDULE 2 – MINE PROJECT AREA UNDER THE MINE CONSENTS

### APPENDIX 2: GENERAL LAYOUT OF PROJECT

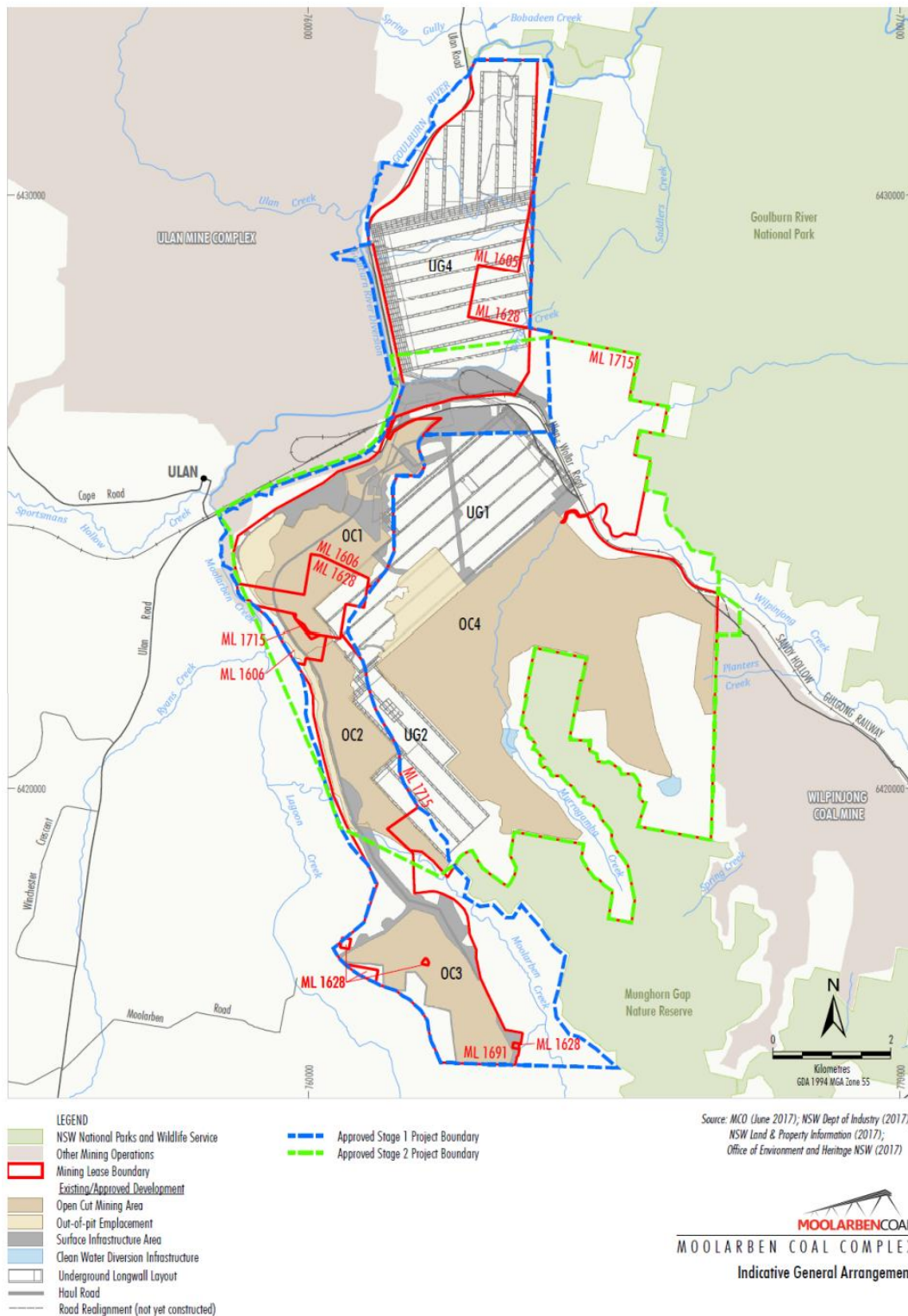
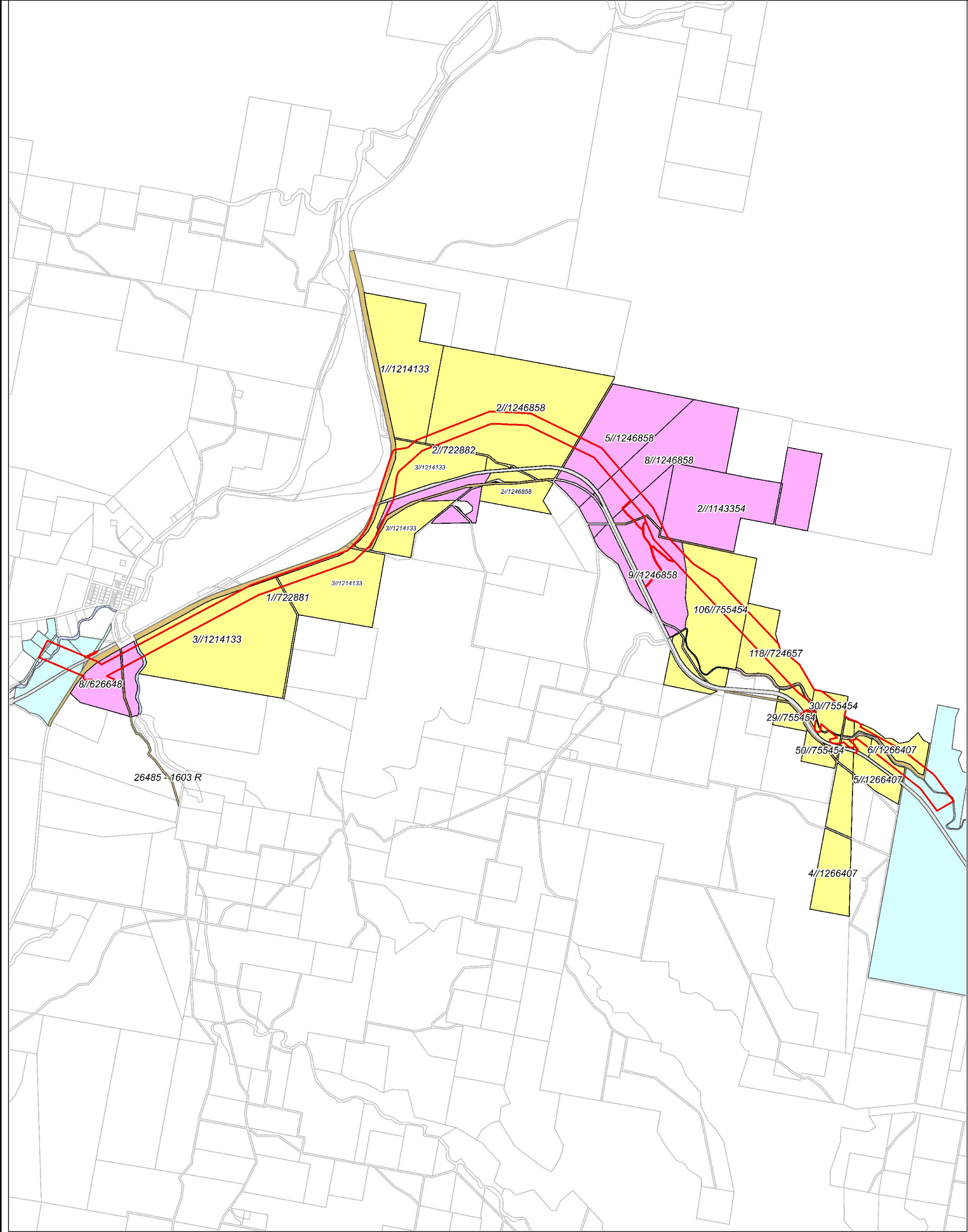




Figure 2.1 – General Project Arrangement

**SCHEDULE 3 – LAND OWNERSHIP MAP**





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- Legend**
-  Energy Co Construction Boundary
  -  Cadastral Boundary

- Land Ownership**
-  Crown
  -  Other
  -  Railway
  -  Road
  -  Waterway

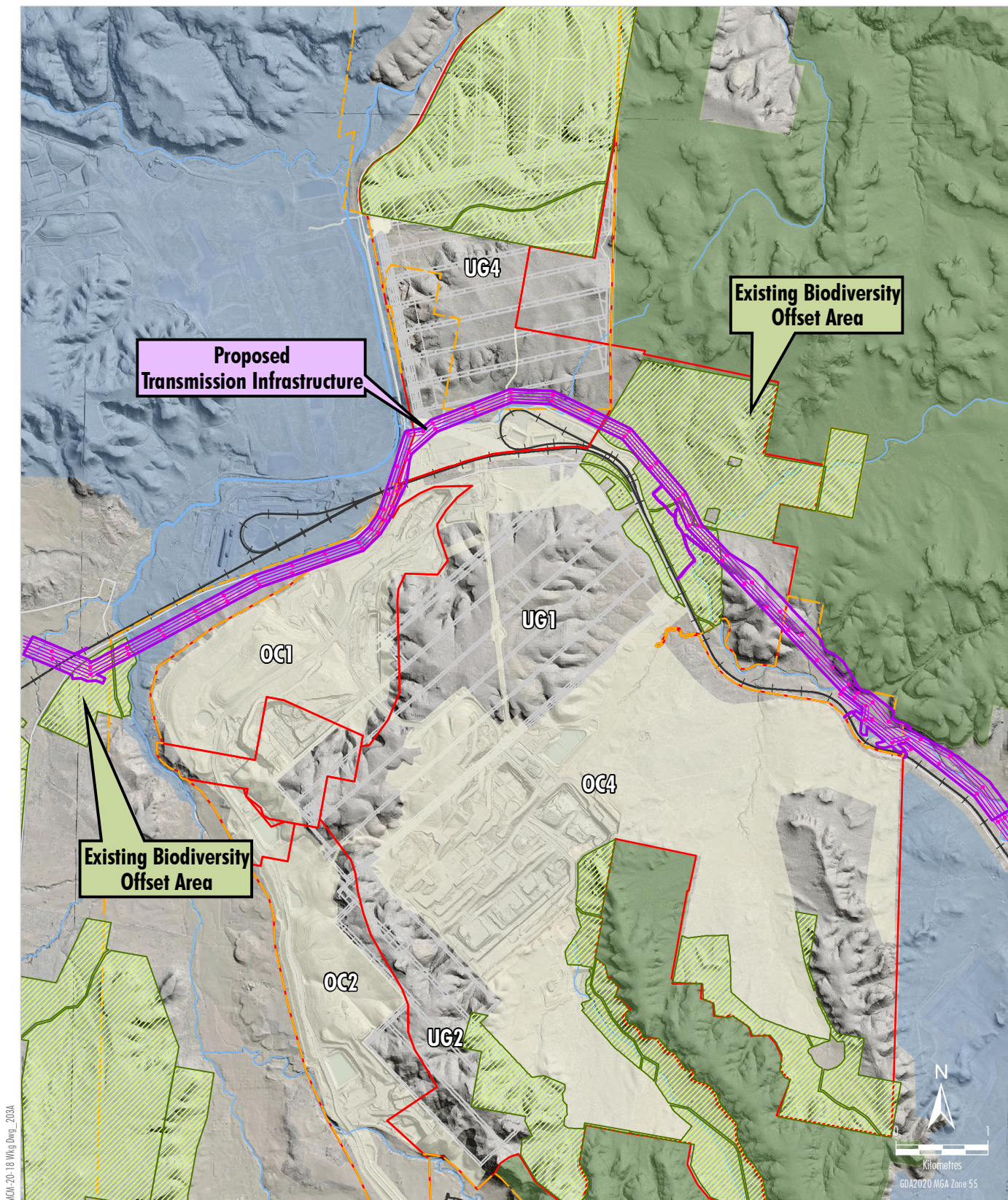
- Yancoal Land Legal Entity**
-  Moolarben CM Pty Ltd 85/100, Kores AuMC Pty Ltd 5/100, Yancoal Moolarben Pty Ltd
  -  Moolarben Coal Mines Pty Limited



## EnergyCo Land Ownership



**SCHEDULE 4 - PROPOSED ALIGNMENT CORRIDOR PLAN**



MCA-20-18 WKg DWg\_2023A

#### LEGEND

- National Park/Nature Reserve
- Other Mining Operation
- Exploration Licence Boundary
- Mining Lease Boundary
- Existing/Approved Development
- Underground Longwall Layout
- Moolarben Coal Complex Disturbance Footprint

- Proposed Transmission Infrastructure
- Existing Biodiversity Offset Area

Source: MCO (2022); NSW Spatial Services (2021)  
Orthophoto: MCO (Jan 2021)



MOOLARBEN COAL COMPLEX

Interaction between  
Approved Moolarben Coal Complex and  
Proposed Transmission Infrastructure