

7 November 2023

Seq No: 34/23

Ms Natasha Homsey
Department of Planning & Environment
GPO Box 39
SYDNEY, NSW 2001

Dear Natasha,

Subject: Central West Orana Renewable Energy Transmission Project Submission (Reference SSI-48323210)

I refer to the Environmental Impact Statement (EIS) for the proposed Central West Orana Renewable Energy Transmission Project (the **Project**), placed on Public Exhibition on 28 September 2023. Ulan Coal Mines Pty Limited (**UCMPL**) is the operator of the Ulan Coal Complex (**UCC**) under Project Approval MP08_0184 (as modified) (**UCMPL's Project Approval**) and owns land that will be impacted by the proposed 330kV transmission alignment, located to the north of the UCC, as well as land that will be impacted by the proposed 500kV transmission alignment, located to the south of the UCC. The proposed 330kV transmission alignment also impacts on, and could interfere with, the exercise of rights under Exploration Licence (**EL**) 9419, which is held by UCMPL.

A figure showing the interactions between the Project and the UCC is set out in Annexure A.

UCMPL has reviewed the EIS for the Project and would like to make the following submission for consideration by EnergyCo and the NSW Department of Planning and Environment (**DPE**).

1. Existing Approvals and Biodiversity Offsets

The proposed 500kV transmission alignment directly impacts UCMPL's existing *Acacia Ausfeldii* biodiversity offset area which is required by UCMPL's Project Approval and is protected by a Conservation Agreement. In Section 7.4.1 of the EIS for the Project, EnergyCo commit to:

- *identify and secure alternative biodiversity offsets that achieve the biodiversity outcomes required in the approvals issued for the mining operations; and*
- *support mining operations in seeking modifications to the relevant environmental and planning approvals and support the associated changes to the biodiversity management plans and/or conservation agreements to reflect the location of the transmission easements and consequential reduced offset areas.*

UCMPL considers that the consent authority for the Project must consider the manner in which the mine's existing approvals, offset areas, biodiversity management plans and conservation agreements will be affected, and will require modification or amendment, as a result of the Project. To ensure that mining operations are not placed in a position where they are unable to comply with their existing approvals and conservation agreements as a result of the Project's activities, UCMPL suggests that conditions be imposed on the Project requiring all necessary modifications and changes to UCMPL's existing approvals,

management plans, and agreements to be finalised and approved on conditions that are satisfactory to UCMPL before the biodiversity offset area is disturbed by the Project. There should also be a requirement for the impact on the *Acacia Ausfeldii* biodiversity offset area to be fully offset.

Whilst EnergyCo commits to managing biodiversity impacts by the preparation and implementation of a Biodiversity Management Plan (BMP), there is no commitment provided in relation to monitoring and managing corridor easement edge effects, such as weed infestations. The BMP should be amended to include the need to monitor and manage edge effects including, but not limited to, weed infestations on UCMPL's existing *Acacia Ausfeldii* offset area. UCMPL request that EnergyCo include a commitment to including this in the BMP or that a condition be imposed on any approval to address this issue (if the Project is approved).

2. Approved Infrastructure

UCMPL has an approval for construction of a water discharge pipeline that will interact with the 330kV transmission line associated with the Project. UCMPL considers it appropriate that EnergyCo commit to accommodating construction of the water discharge pipeline and other approved mining infrastructure, should this be required to support UCMPL's mining operations in the future. If that commitment is not made, a condition should be imposed on any approval to require it (if the Project is approved).

It is also important that the terms of the easements that are to be acquired by EnergyCo on land that is the subject of UCMPL's Project Approval do not restrict mining operations, or prevent UCMPL from constructing and using any approved mining infrastructure within the easement corridor. We recommend that this matter be addressed in the conditions for the Project by an overarching condition which provides to the effect that nothing in the approval for the Project authorises the carrying out of activities which would have a detrimental impact on the approved operations of the Ulan Coal Mine Project.

3. Potential Resource Sterilisation

Section 7.4.1 of the EIS indicates that *for Ulan mine, while the construction area includes parts of the Ulan Mining Lease, it does not traverse any planned extraction areas*. As mentioned, UCMPL is the holder of EL 9419, which is located within the proposed 330kV transmission line route. An exploration program is currently being undertaken within EL 9419 to determine if the coal resource is suitable for mine development. Given the area covered by EL 9419 is close to the resource already being mined at Ulan it is likely that there is a substantial coal resource that will be capable of economic extraction by underground mining in the mid term.

If, following the exploration program, the resource is proven to be feasible for extraction, UCMPL may seek to develop a mine plan in consultation with all relevant stakeholders (and subject to relevant planning and environmental approvals).

The Planning Secretary's Environmental Assessment Requirement for the Project require an assessment of the likely economic, social and environmental impacts of the Project having regard to the requirements in any relevant Government policies. Although the EIS identifies *State Environmental Planning Policy (Resources and Energy) 2021* as a policy that requires consideration, it fails to consider clause 2.19 of that SEPP. That clause requires consideration of whether the project is likely to have a significant impact on current or future extraction of minerals (in this case coal). While the EIS addresses the existing approved mines, its assessment of potential impacts on coal within exploration areas is inadequate. It also does not provide details of the steps that have been taken to avoid or minimise the

impact of the project on the future extraction of those coal resources within exploration licences held by UCMPL.

In Section 3.5.6 of the EIS under the heading *Tower foundations in mining rehabilitation and mine subsidence areas*, EnergyCo commits to considering the use of cruciform foundations for transmission infrastructure within areas that will be subject to subsidence impacts from underground mining operations.

To address the risk that the coal resource contained within EL 9419 is sterilised and to avoid damage to transmission infrastructure, UCMPL considers that:

- (a) EnergyCo should be required to consult with NSW Mining, Exploration and Geoscience to discuss potential resource sterilisation issues arising from the proposed 330kV alignment and its interaction with any future mining activity within EL9419;
- (b) it should be a condition of any approval for the Project that the proponent consults with UCMPL in respect of any potential interactions between the transmission infrastructure and associated service infrastructure and potential future mining within EL9419, including in relation to potential alternative alignments for the 330kV transmission line to avoid:
 - (i) subsidence-induced damage being caused to the towers;
 - (ii) sterilisation of NSW's coal resources; and
 - (iii) imposition of unnecessary mining and mine infrastructure costs;
- (c) it would be feasible to include, as part of the approval for the Project, authorisation for EnergyCo and the Network Operator to construct the 330kV transmission line on an alternative alignment that does not present the same risk of subsidence interaction and resource sterilisation as the alignment that is included in the EIS. If an alternative alignment were to be approved as part of the current approval process for the CWO REZ, this would provide the flexibility for an optimal land use outcome to be achieved without the need for sterilisation of a valuable resource or future relocation of the infrastructure. UCMPL has proposed an alternative alignment to EnergyCo that would achieve these outcomes;
- (d) transmission infrastructure within EL 9419 should be designed, in consultation with UCMPL, to withstand subsidence impacts associated with future mining operations where towers are to be constructed above current and future mining areas to ensure the resource is not sterilised. This could include the use of custom-designed foundations or potentially the cruciform foundations that have been proposed for other sections of the transmission corridors that may be subject to subsidence impacts;
- (e) any approval for the Project should include a condition which provides that the operator of the transmission lines must have and implement a management plan for managing the potential impacts of any subsidence from underground mining in the vicinity of the transmission lines and that management plan must include obligations for managing risks from subsidence and reinstating damage to transmission lines which arise from underground mining related subsidence. The management plan should be required to be approved by NSW Mining,

Exploration and Geoscience and also the Secretary of the NSW Department of Planning and Environment in consultation with UCMPL (or the operator of the Ulan Coal Mine Complex); and

- (f) any approval for the Project should include a condition which requires the operator of the transmission line to coordinate its construction activities in the area of the Ulan Coal Complex with UCMPL. At completion of construction, the condition should require there to be protocols in place with UCMPL to manage any potential impacts from the proposed infrastructure.

Please contact Brad Tanswell, Environment and Community Coordinator on 0429 598 542 or Bradley.Tanswell@glencore.com.au if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lucy Stuart', with a stylized flourish at the end.

Lucy Stuart
Environment and Community Manager
Ulan Coal Mines Pty Limited

Annexure A – Interactions between the Project and the UCC

