



WILPINJONG COAL PTY LTD

ABN: 87 104 594 694

Locked Bag 2005
Mudgee NSW 2850
Australia

Tel + 61 (0) 2 6370 2500
Fax + 61 (0) 2 6373 4524

7 November 2023

The Minister for Planning and Public Spaces
C-/ Nicole Brewer
Director, Energy Assessments
Planning and Assessment
Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124

Submitted via the Planning Portal
cc: stephen.odonoghue@planning.nsw.gov.au

Dear Nicole,

**RE: Central-West Orana Renewable Energy Zone Transmission Project
Environmental Impact Statement (SSI-48323210) Submission**

Please find below a submission from Wilpinjong Coal Pty Ltd (**WCPL**) on the Central-West Orana Renewable Energy Zone Transmission Project (SSI-48323210) (**the Transmission Project**) proposed by Energy Corporation of NSW (**EnergyCo**).

Wilpinjong Coal Mine

The Wilpinjong Coal Mine is an existing open cut coal mining operation located approximately 40 kilometres (km) north-east of Mudgee within the Mid-Western Regional Local Government Area, in central New South Wales (NSW) (**Figure 1**).

WCPL, a wholly owned subsidiary of Peabody Energy Australia Pty Ltd (Peabody) is the owner and operator of the Wilpinjong Coal Mine.

The Wilpinjong Coal Mine produces thermal coal products which are transported by rail to domestic customers for use in electricity generation and/or to port for export. Open cut mining operations are undertaken 24 hours per day, seven days per week.

The Wilpinjong Coal Mine originally operated under Project Approval (MP 05-0021) that was granted by the Minister for Planning under Part 3A of the NSW *Environmental Planning and Assessment Act 1979* on 1 February 2006. On 24 April 2017, WCPL was subsequently granted Development Consent (SSD-6764) for the State Significant Development Wilpinjong Extension Project, that included continuation of operations to 2033 at rates of up to 16 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal.

In the last five years, WCPL has contributed some \$335 million of coal royalties to the state of NSW and has supplied some 36.3 million tonnes (Mt) of thermal product coal to domestic electricity generators in NSW.

On-average over the last five years, WCPL has also employed some 550 full-time equivalent (FTE) employees and approximately 70 FTE employees on-site contractors in the Mid-Western Regional Council Local Government Area. Over this time, WCPL has contributed an estimated \$1.5 billion in operational expenditure on both wages and suppliers in NSW.

Central-West Orana Renewable Energy Zone Transmission Project

In summary, the Transmission Project proposed by EnergyCo includes new twin double circuit 500 kilovolt (kV) transmission lines between the proposed new substation at Wollar and the proposed substations at Merotherie and Elong Elong, and connections from these lines to renewable energy generation and storage projects in the Central-West Orana Renewable Energy Zone.

As a component of the Transmission Project, EnergyCo proposes to compulsorily acquire approximately 520 hectares (ha) of Peabody-controlled land and to develop the new substation and two new 500kV Electricity Transmission Lines (ETLs) that will cross the Wilpinjong Coal Mine site (**Figures 2 and 3**). This includes the establishment of approximately 33 ha of ETL construction-related disturbance in a backfilled and rehabilitated area of Pit 4 (**Figure 2**) and ETL construction-related disturbance through WCPL's biodiversity rehabilitation offset areas.

WCPL understands that the Transmission Project has been declared to be Critical State Significant Infrastructure (CSSI) under Schedule 5 of *State Environmental Planning Policy (Planning Systems) 2021*. Therefore, the Transmission Project proposed by EnergyCo will be assessed holistically by the NSW Government, before being determined by the NSW Minister for Planning and Public Spaces (the Minister).

WCPL's Submission on the Transmission Project

The following sets out WCPL's high-level submission on the *Central-West Orana Renewable Energy Zone Transmission Project (SSI-48323210) Environmental Impact Statement (EIS)* for consideration by the NSW Government.

WCPL does not object to the Transmission Project, and supports upgrades to establish the critical electricity transmission infrastructure required for NSW's planned energy transition.

However, the Transmission Project proposes to traverse the Wilpinjong Coal Mine's existing approved mining operations under Development Consent (SSD-6764), and therefore has potentially material implications for:

- *interactions* with 24 hours per day critical operational activities, including the two new 500 kV ETLs being constructed and traversing the main permanent eastern trunk ROM coal haul road;
- *interactions* with critical periodic operational activities, such as blasting (for example the ETLs construction area is proposed to be located within a backfilled and rehabilitated area of Pit 4 and adjacent to active mining that will be affected by blasting);
- *interactions* with the critical Sandy Hollow Gulgong Railway, on which all of WCPL's product coal is transported for domestic consumption by NSW electricity generators, or to port for export;
- *interactions* with WCPL's existing exploration licences (**Figure 2**), including exploration licences critical to WCPL's planned future projects;
- *interactions* with, and/or *excisions* from, WCPL's existing Environment Protection Licence (EPL) area under EPL 12425;
- *interactions* with WCPL's existing mining leases and mine rehabilitation obligations under the *Mining Act 1992* (approximately 33 ha);
- *interactions* with carbonaceous waste rock material that has been emplaced and capped during run-of-mine backfill operations, which may be re-exposed by ETL construction activities;

- *excisions* from WCPL's existing rehabilitation obligations under Development Consent (SSD-6764) and EPBC Approval (EPBC 2015/7431), including biodiversity offset revegetation that has already been established in the backfilled area of Pit 4 (approximately 33 ha);
- *excisions* from existing consented biodiversity conservation areas originally established under Project Approval (MP 05-0021) in 2006 (i.e. Enhancement and Conservation Areas) and augmented in 2018 under Development Consent (SSD-6764) (approximately 77 ha);
- *excisions* from committed Regeneration Areas under Development Consent (SSD-6764) where WCPL will establish native vegetation to link remnant native vegetation, mine rehabilitation areas and Enhancement and Conservation Areas (approximately 28 ha); and
- *compulsory acquisition* of various rural lands held by Peabody (**Figure 3**), including lands that have provisionally been set aside as biodiversity offset lands for WCPL's planned future projects.

The text at Page 7-26 and Table 7-4 of the EIS does not reflect all of the Wilpinjong Coal Mine biodiversity offset areas under Development Consent (SSD-6764) that will be traversed by the Transmission Project. For example, Enhancement and Conservation Areas D and E will also be traversed (**Figure 2**), as will rehabilitated areas and Regeneration Areas mentioned above that form part of the biodiversity offset strategy under Development Consent (SSD-6764) (see Appendix 7 to SSD-6764).

As at the date of this submission, EnergyCo and WCPL have not reached final agreement on any of the above matters.

Any approval of the Transmission Project would necessitate co-ordinated and co-incident modifications to WCPL's existing primary approvals, including to reduce the biodiversity offset requirements under Development Consent (SSD-6764) on account of the Enhancement and Conservation Areas, rehabilitation areas and Regeneration Areas affected by the Transmission Project, so that WCPL will not be responsible for replacing those offset areas.

The Transmission Project would also necessitate associated secondary approval and Environmental Management Plan amendments (e.g. Aboriginal Cultural Heritage Management Plan and associated sites database). The EIS states that EnergyCo would support associated changes to biodiversity management plans and conservation agreements. However, the changes to management plans will necessarily be more extensive.

Any such modifications or updates to site approvals and documentation in support of the Transmission Project must be coordinated in such a manner that any associated administrative burden on WCPL is minimised, and any associated risks and costs are wholly borne by EnergyCo.

To minimise the risk to WCPL, it is imperative that Modifications to WCPL's existing primary approvals (e.g. SSD-6764) must be determined concurrently with any CSSI determination of the Transmission Project.

It is also imperative that the Minister, in determining the proposed Transmission Project, appropriately conditions any CSSI Development Consent such that WCPL is not economically or operationally disadvantaged by the proposed construction and operation of the new substation and 500kV ETLs.

Notwithstanding, we are happy to continue to meet with the Department of Planning and Environment and EnergyCo as required to explore these issues in further detail, as the NSW Government's assessment of the Transmission Project proposal progresses.

Please do not hesitate to contact the undersigned should you wish to discuss.

Yours faithfully,



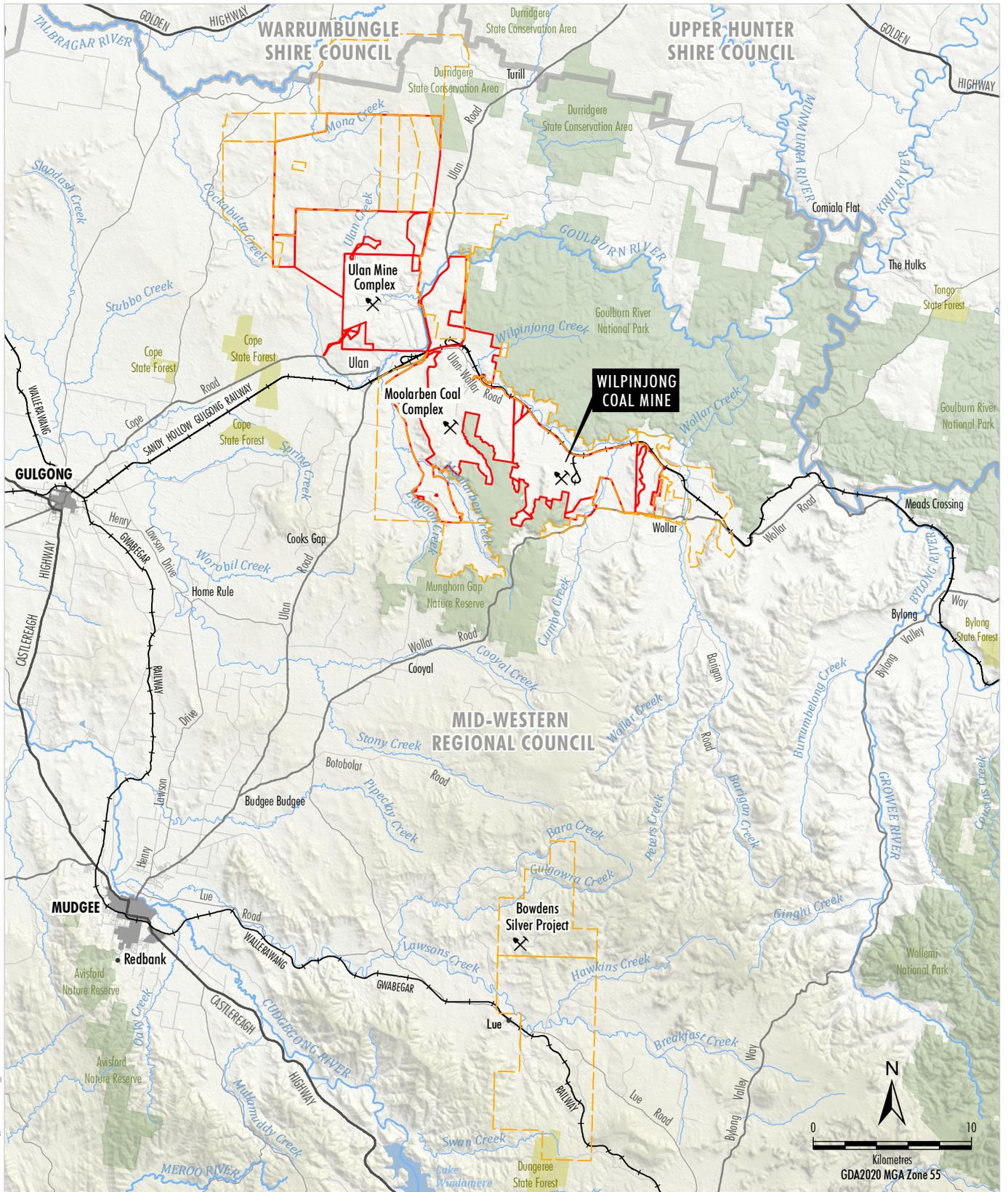
Ian Flood
Manager, Project Development and Approvals
Wilpinjong Coal Pty Ltd

Enclosed

Figure 1 – Regional Location

Figure 2 – EnergyCo Proposed 500 kV Easement – Aerial

Figure 3 – EnergyCo Proposed 500 kV Easement – Cadastre



WIL-22-17 EnergyCo Submission_203A

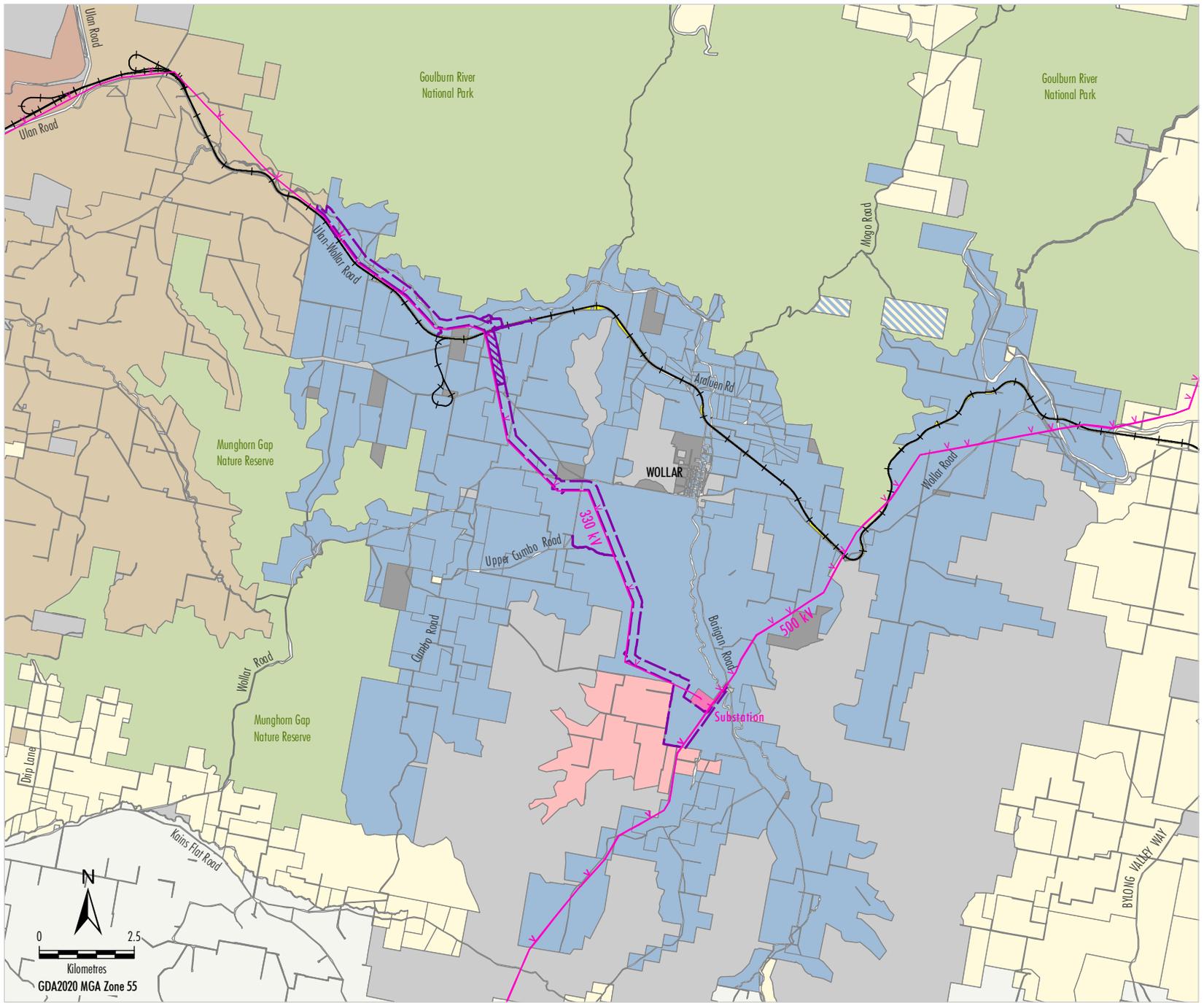
Source: NSW Spatial Services (2023)



- LEGEND**
- Mining Lease Boundary
 - Exploration Licence Boundary
 - Local Government Area
 - State Forest
 - National Park, Nature Reserve or State Conservation Area
 - ⚒ Mining Operation

Peabody
 WILPINJONG COAL MINE
 Regional Location

Figure 1



- LEGEND**
- Peabody-controlled Land
 - Crown Land (Peabody Leased)
 - Crown Land
 - Moolarben Coal Mine
 - Ulan Coal Mine
 - Wollar Solar Farm
 - TransGrid
 - Railway Land
 - Private Landholder
 - Subject to Noise Agreement in Accordance with Condition 3, Schedule 3
 - Owner Not Identified
 - NPSW Estates
 - Existing TransGrid ETL
 - Proposed 500kV ETL Easement
 - Proposed 500kV ETL Construction Area

Source: WCPL (2023); EnergyCo (2023); NSW Spatial Services (2023)

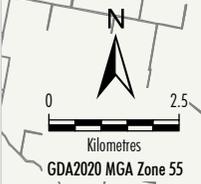


Figure 3