mdeg
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MEDIA RELEASE
Successful Legal Appeal against Ulan Coal Mine expansion

Friday 14 November 2025

Mudgee District Environment Groups' (MDEG) legal appeal in the NSW Land and Environment Court against the expansion of the Glencore Ulan Coal Mine north of Mudgee has proven that the approval of Ulan Modification 6 was not a valid decision.

On Friday 14 November the NSW Land and Environment Court made orders, by consent, declaring that the approval by the NSW Department of Planning, Housing and Infrastructure of Glencore's Modification 6 to the Ulan Coal Mine is invalid and that it be set aside.

The orders were made on the basis of the Court of Appeal's decision to reject the expansion of the Mt Pleasant Mine near Muswellbrook on the grounds that local climate impacts are a mandatory relevant consideration for greenhouse gas generating projects.

Glencore had applied to increase the life of the Ulan Mine by two years to 2035 and generate over 42 million tonnes of greenhouse gas emissions while impacting 634 hectares and disturbing endangered species.

Rosemary Hadaway, President MDEG:

'MDEG strongly objects to the expansion of Ulan Coal Mine, one of the largest coal mines in NSW. We took the opportunity to appeal the approval of Mod 6 because the assessment failed to fully assess the impacts of climate change on the local area.

The NSW Land and Environment Court has vindicated our concerns and ordered that the approval of Ulan Mod 6 be set aside. This decision has implications for the Ulan Mod 8 expansion currently on exhibition for public comment. Ulan Mod 8 relies on the Mod 6 approval and is directly connected to that invalid expansion.

The Glencore Ulan Mod 8 application involves an additional 105 million tonnes of greenhouse gas emissions until 2041 and the disturbance of a further 1,743 ha of bushland and farmland.'

MDEG was represented by Anita O'Hart of Johnson Legal, together with Asha Keaney, in these proceedings. Michael Hall SC and Chantal Nguyen of Counsel were briefed to appear for MDEG in these important public interest proceedings.

Anita O'Hart, Principal Lawyer, Johnson Legal says:

“This is the right result, reflecting the findings of the NSW Court of Appeal in the landmark climate decision in the *Denman v MACH Energy* earlier this year.

“Local communities in NSW are suffering from the impacts of extreme bushfires, floods and heatwaves. The economic, social and financial harms of continued coal production in NSW are clear and being felt by communities locally – from loss of homes and livelihoods, to rising costs of housing insurance, and the costs of replacing and maintaining community infrastructure destroyed by climate-induced disasters. Our client sought for those impacts on their community to be assessed.

“The Denman decision acknowledged that there is a direct causal link between the extraction of coal in NSW, and climate harms suffered by local residents. Consideration of those harms is a mandatory consideration for future fossil fuel projects, including for modifications and applications already in the system.

“It’s no longer enough to simply say that climate change is a global problem, with global solutions.

“In 2025, all new and expanded fossil fuel projects will cause and exacerbate dangerous climate harms inflicted upon communities.

“Courts in Australia, overseas and internationally recognise the reality of the link between coal and gas and climate harms experienced here and abroad. It’s well beyond time for Government’s in Australia to ensure that our laws reflect the legal and scientific reality of the causes and effects of climate change.”

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