

Monday, 16 January 2012

Land and Environment Court judgement on Ulan mine
Response given to *The Australian Financial Review*

Can I get a comment on the Ulan case, in which the Land and Environment Court imposed a requirement on miner Ulan Coal to offset greenhouse gas emissions as a condition of the expansion of its operations near Mudgee.

Department of Planning and Infrastructure response:

The 'in principle' decision to impose a condition requiring a single mining proposal to offset scope 1 greenhouse gas emissions has significant implications for future mining proposals in New South Wales. It may also affect other new proposals where scope 1 greenhouse gas emissions will be produced. The judgement raises many questions about the relationship between individual project approval processes and State and Federal laws and policies regulating greenhouse gas emissions, in particular the carbon tax.

The department's view is that these issues are more appropriately addressed at a broader policy level and that individual project approval decisions are made within the context of that policy.

The court has not yet finalised details of the condition and how it is to be implemented. The department will be advising Government on a response once the court has issued its final orders.