

SITE: 12 Ulan-Wollar Road, Ulan NSW 2850  
POSTAL: Locked Bag 2003 Mudgee NSW 2850  
PHONE: +61 2 6376 1500  
FAX: +61 2 6376 1599  
WEBSITE: [www.moolarbencoal.com.au](http://www.moolarbencoal.com.au)  
ABN: 59 077 939 569

14 February 2020

The Secretary  
NSW Department of Planning, Industry and Environment  
23-33 Bridge Street  
SYDNEY NSW 2001

Via email: Philip.nevill@planing.nsw.gov.au

Dear Philip,

**RE: MOOLARBEN COAL COMPLEX – REQUEST FOR FURTHER EXTENSION OF TIME TO SECURE BIODIVERSITY OFFSETS AND HERITAGE CONSERVATION AREAS**

In September 2019, the Secretary approved an extension of time to secure the Biodiversity Offset Areas required under Condition 35 of Schedule 3 of the Moolarben Stage 1 Project Approval (05\_0117) and Condition 38 of Schedule 3 of the Moolarben Stage 2 Project Approval (08\_0135) till 1 March 2020. In addition, the timeframe for Heritage Conservation Areas (HCA) requiring in perpetuity protection under Condition 45 of schedule 3 of the Stage 2 Project Approval (08\_0135) was also extended till 1 March 2020.

Under the Stage 1 and Stage 2 Project Approvals, Moolarben Coal Operations (MCO) is required to secure a total of 19 offset areas in perpetuity. Significant progress has been made over the last 6 months. Currently, 12 of 19 offsets have been secured in perpetuity, with 10 secured by Positive and Restrictive Covenants on the Use of Land (in accordance with the New South Wales *Conveyancing Act 1919*) and registered on title, one transferred to the National Parks Estate and another one under a registered Voluntary Conservation Agreement.

The remaining 7 offsets are landholdings controlled by MCO, and are also to be secured by Positive and Restrictive Covenants on the Use of Land in accordance with the NSW *Conveyancing Act 1919*. MCO and the Department have been liaising on appropriate terms for these offsets with draft Covenant Terms issued to the Department for review on 27 September 2019. MCO considers that material progress has been made towards finalising the covenant terms and securing the offsets.

Accordingly, to allow for the completion of covenant terms, execution of the remaining instruments and registration by the NSW Land Registry Services for the remaining 7 biodiversity offset areas and

HCA's as required by Conditions 35, Schedule 3 of Project Approval (05\_0117) and Conditions 38 and 45, Schedule 3 of Project Approval (08\_0135) MCO expects this to may take a further 6 to 9 months.

MCO is seeking agreement from the Secretary for an extension to the security deadline for SSD 05\_0135 Condition 35 of Schedule 3 and SSD08\_135 Condition 38 and 45 of Schedule 3 to **31 August 2020**.

It would be appreciated if the DPIE could please confirm the Secretary agrees with this request.

Please do not hesitate to contact me on (02) 6376 1407 should you wish to discuss further.

Yours sincerely

**MOOLARBEN COAL OPERATIONS PTY LTD**

A handwritten signature in cursive script, appearing to read 'GChase', written in black ink.

**Graham Chase**

Environmental and Community Manager