



Graham Chase
Environment and Community Manager
12 Ulan-Wollar Road
Ulan, NSW, 2850

03/07/2020

Dear Mr Chase

**Moolarben Coal Mine (05_0117) and Moolarben Coal Expansion (08_0135)
Covenants to Secure Biodiversity Offsets and Heritage Conservation Areas**

I refer to the letter Provision of Positive and Restrictive Covenants to Secure Biodiversity Offsets and Heritage Conservation Areas dated 23 June 2020 which relates to securing:

- Biodiversity Offset Areas required under Condition 35 of Schedule 3 of the Moolarben Stage 1 Project Approval (05_0117) (as modified) and Condition 38 of Schedule 3 of the Moolarben Stage 2 Project Approval (08_0135) as modified; and
- Heritage Conservation Areas (HCA) requiring in perpetuity protection under Condition 45 of Schedule 3 of the Stage 2 Project Approval (08_0135) as modified.

It is noted that 12 of 19 Biodiversity Offset Areas have been secured in perpetuity. The positive and restrictive covenants (the Covenants) required for the remaining seven Biodiversity Offset Areas are currently being executed by the Moolarben JV Entities.

The Department confirms that the execution of the Covenants by the Moolarben JV Entities and the Minister will satisfy the requirements of Condition 35 of Schedule 3 of the Moolarben Stage 1 Project Approval (05_0117) (as modified) and Condition 38 and 45 of Schedule 3 of the Moolarben Stage 2 Project Approval (08_0135).

If you wish to discuss the matter further, please contact Jack Turner on 9995 5387.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S O'Donoghue'.

Stephen O'Donoghue
Director
Resource Assessments

As nominee of the Planning Secretary