

15 July 2014

Mr David Kitto
 Department of Planning and Environment
 23-33 Bridge St
 SYDNEY NSW 2000

RE: MOOLARBEN COAL COMPLEX – COMMENTS ON STAGE 2 DRAFT PROJECT APPROVAL (08_0135) CONDITIONS

Dear David

We write this letter on behalf of Moolarben Coal Mines Pty Limited (MCM) and its joint venture participants.

We wish to bring to your attention some discrepancies which appear in Table 11 of the draft conditions for the Moolarben Coal Project Stage 2 Project Approval (08_0135) as provided to the Planning Assessment Commission (the Commission) in February 2014. These discrepancies have arisen as a result of additional offset surveys, which have more accurately mapped the vegetation in the proposed offset areas. Specifically:

1. On 4 February 2014, The Department of Planning & Environment (DP&E) provided draft consent conditions for the Moolarben Coal Project Stage 2 to the Commission. Table 11 of these draft conditions of consent was based upon Yancoal Australia Limited's (Yancoal's) letter of 8 February 2013, which set out the results of the offset surveys derived from Cumberland Ecology's 2012 vegetation mapping.
2. On 25 March 2014 (i.e. after the draft conditions had been provided to the Commission) Yancoal provided the Department with a letter titled "*Moolarben Coal Project Stage 2 – Biodiversity Offset Strategy*". The 25 March 2014 letter described minor changes to the Stage 2 Biodiversity Offset area as a result of additional more detailed vegetation mapping and surveys undertaken by Cumberland Ecology in 2013 and reported in February 2014.

Accordingly, Table 11 of draft Condition 25 of Schedule 3 has been reproduced and amended (below) to reflect the revised vegetation community areas (i.e. to make the areas consistent with the information in the letter to the Department dated 25 March 2014).

Updated Table 11

Area	Offset Type	Minimum Size hectares (ha)
Dun Dun East	Enhance existing vegetation: • 1368 ha of native vegetation • 408 ha of EEC Regenerate: • 380 ha of existing grassland to forest/woodland	1776
Dun Dun West	Enhance existing vegetation: • 837 ha of native vegetation • 122 ha of EEC Regenerate: • 307 ha of existing grassland to forest/woodland	959
Avisford 1	Enhance existing vegetation: • 300 ha of native vegetation • 102 ha of EEC Regenerate: • 7 ha of existing grassland to forest/woodland	402

Area	Offset Type	Minimum Size hectares (ha)
Avisford 2	Enhance existing vegetation: • 203 ha of native vegetation • 5 ha of EEC	208
Ulan 18	Enhance existing vegetation: • 291 ha of native vegetation • 48 ha of EEC Regenerate: • 178 ha of existing grassland to forest/woodland	339
Onsite Offset	Enhance existing vegetation: • 420 ha of native vegetation • 51 ha of EEC Regenerate: • 199 ha of existing grassland to forest/woodland	471
Old Bobadeen	Enhance existing vegetation: • 90 ha of native vegetation • 400 ha of EEC Regenerate: • 409 ha of existing grassland to forest/woodland	490
Libertus	Enhance existing vegetation: • 160 ha of native vegetation • 18 ha of EEC Regenerate: • 22 ha of existing grassland to forest/woodland	178

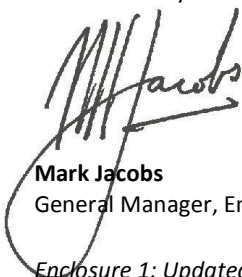
Notes:

*To identify the areas referred to in Table 11, see the applicable figures in Appendix 7;
The amount of native vegetation includes forest/woodland and grassland but excludes woodland and grassland EECs. The combined total of native vegetation and EEC on each property equates to the minimum size available as an offset;
The amount of grassland available for regeneration includes sparsely vegetated woodland; and
The strategy includes the regeneration of existing grassland areas within each offset to woodland communities*

We have also enclosed a tracked changed version showing the changes made to Table 11 for the Department's reference.

Should you have any queries on this matter, please do not hesitate to contact me on (02) 8583 5910.

Yours sincerely



Mark Jacobs
General Manager, Environment & Community

Enclosure 1: Updated Table 11 (tracked changes)

ENCLOSURE 1

Updated Table 11

Area	Offset Type	Minimum Size hectares (ha)	
Dun Dun East	Enhance existing vegetation: 1368 ha of native vegetation 408 ha of EEC Regenerate: 380 ha of existing grassland to forest/woodland	1776	
Dun Dun West	Enhance existing vegetation: 837 ha of native vegetation 122 ha of EEC Regenerate: 307 ha of existing grassland to forest/woodland	959	Deleted: 848 Deleted: 111 Deleted: 344
Avisford 1	Enhance existing vegetation: 300 ha of native vegetation 102 ha of EEC Regenerate: 7 ha of existing grassland to forest/woodland	402	Deleted: 10
Avisford 2	Enhance existing vegetation: 203 ha of native vegetation 5 ha of EEC	208	Deleted: 169 Deleted: 39
Ulan 18	Enhance existing vegetation: 291 ha of native vegetation 48 ha of EEC Regenerate: 178 ha of existing grassland to forest/woodland	339	Deleted: 290
Onsite Offset	Enhance existing vegetation: 420 ha of native vegetation 51 ha of EEC Regenerate: 199 ha of existing grassland to forest/woodland	471	Deleted: 390 Deleted: 53 Deleted: 443 Deleted: 189
Old Bobadeen	Enhance existing vegetation: 90 ha of native vegetation 400 ha of EEC Regenerate: 409 ha of existing grassland to forest/woodland	490	Deleted: 84 Deleted: 406
Libertus	Enhance existing vegetation: 160 ha of native vegetation 18 ha of EEC Regenerate: 22 ha of existing grassland to forest/woodland	178	Deleted: 163 Deleted: 15