



Our ref: DOC24/815839
Your ref: MP08_0184-Mod-6

Jack Turner
Team Leader
Department of Planning, Housing & Industry
Email: Jack.Turner@planning.nsw.gov.au

Dear Jack

Ulan Coal Mine – mod 6 underground mining extension – draft conditions of consent

Thank you for your request via the NSW Planning Portal dated 1 October 2024, to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEE) inviting comments on the draft conditions of consent for Ulan Coal Mine, modification 6.

BCS has reviewed the draft consent conditions for Ulan Coal Mine, modification 6 as detailed in **Attachment A**. A summary of the issues identified during our review are provided below. We recommend that the draft conditions are revised to:

- Clarify the extent of impact related to this approval.
- Ensure the Biodiversity Management Plan is updated before construction begins to:
 - Provide justification of efforts taken to avoid and minimise biodiversity impact if the preferred layout is not constructed.
 - Include impacts resulting from this and any future modifications in the Biodiversity Management Plan prior to construction commencing.
- Rectify an error to a single credit obligation.

If you have any questions about this advice, please do not hesitate to contact Nikki Pridgeon, Senior Conservation Planning Officer, via nikki.pridgeon@environment.nsw.gov.au or (02) 5852 6807.

Yours sincerely

Ashleigh Bellotti
A/Director North West
Biodiversity, Conservation and Science

14 October 2024

Attachment A – BCS's Recommendations

BCS's recommendations

Ulan Coal Mod 6 – draft consent conditions

| Condition Number | Draft text | Recommendation |
|--|--|--|
| 17 | "... the Applicant may construct one of the nine alternative..." | Specify the Applicant may <u>only</u> construct the preferred layout <u>or</u> one of the nine alternatives to avoid confusion. The condition currently reads as though the preferred layout and one alternative can be built. |
| 44 | N/A | Update condition to: <ul style="list-style-type: none"> The Applicant should provide justification to BCS if any alternative layout is selected over the preferred layout. Justification should include discussion of efforts taken to avoid and minimise biodiversity impact, in particular to any Critically Endangered Ecological Community. Ensure that the finalised layout for modification 6 and any subsequent modifications will require an update to the relevant Biodiversity Management Plan prior to construction of the modification commencing. |
| Appendix 11 – Table 1 - Alternative Option 9 (BAM C Stage I) | "40" (credits) | Update the ecosystem credit obligation for PCT 481 (Intact) to 42 credits, as per the Biodiversity Assessment Method Calculator case (45406). |