

Mark Jacobs
Executive General Manager, Environment & Community
Yancoal Australia Ltd
Darling Park Tower 2
Level 18, 201 Sussex Street
Sydney, NSW 2000

11/10/2021

Dear Mr Jacobs

**Warkworth Coal Mine Continuation Project MOD 1 (SSD-6464-MOD-1)
Addendum to request for information**

I refer to the Modification Report (MOD 1) submitted to the Department on 29 April 2021, the Department's subsequent request for information dated 9 August 2021, and your response dated 2 September 2021.

Following careful consideration of your response, the Department considers additional information is required. Specifically, the Department is seeking confirmation that reasonable attempts have been made, in consultation with the Biodiversity Conservation Division (BCD) and Biodiversity Conservation Trust (BCT), to retire the ecosystem and species credits currently listed in the conditions of consent. This may include evidence to demonstrate that a request for an assessment of reasonable equivalence has been made in accordance with the provisions of *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

Further, neither the Department nor BCD support Yancoal's proposed registration of covenants under the *Conveyancing Act 1919* (Conveyancing Act) as a mechanism to provide in-perpetuity protection of the offset sites. There was clear commitment in the Warkworth Continuation Project environmental assessment to secure offsets through a Biobanking Agreement.

The Department and BCD consider that the establishment of biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016* represents an adequate mechanism for credit retirement in lieu of the previous BioBanking arrangements established under the now repealed *Threatened Species Conservation Act 1995*.

If you wish to discuss the matter further, please contact Sarah Clibborn on (02) 8837 6095 or via email at sarah.clibborn@planning.nsw.gov.au.

Yours sincerely



Steve O'Donoghue
Director
Resource Assessments
as nominee of the Planning Secretary