

Decision to approve an action management plan

Approval No: EPBC 2009/5252 EPBC 2015/7511	Project Title: Ulan Coal Continued Operations Project, NSW. Ulan West Extension, Ulan, NSW	
First/Final Submission: Feb/December 2019	Plan type: Biodiversity MP	Plan name, version, date: Ulan Coal Biodiversity Management Plan, Version 5.3, dated 4 December 2019.
	Contact Officer: s22	Approval holder: Ulan Coal Mines Limited

s22

Cleared by: s22, Director Signature: s22 10-12-19


Recommendations:

1. That you approve the *Ulan Coal Biodiversity Management Plan, Version 5.3*, dated 4 December 2019, at **Attachment A**, as meeting the requirements of Conditions 3 and 5 of the EPBC Act approval for EPBC 2009/5252.

Approved /
Please discuss
2. That you approve the *Ulan Coal Biodiversity Management Plan, Version 5.3*, dated 4 December 2019, at **Attachment A**, as meeting the requirements of Condition 3 of the EPBC Act approval for EPBC 2015/7511.

Approved /
Please discuss
3. That you sign the letter at **Attachment B** advising the approval holder of your decision.

Signed / Not
Signed

Signature: 

Declan O'Connor-Cox, Acting Assistant Secretary
Environmental Approvals Division

Date: 16/12/2019

Comments:

Background

1. The Minister has delegated you as decision maker for these matters pursuant to section 515 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
2. On 30 November 2010 a delegate of the Minister approved under the EPBC Act with conditions an action to extend the open cut coal mine, develop Ulan West underground mine and modify or construct new infrastructure associated with these operations and the Ulan, No 3 underground operations, Ulan NSW (**Attachment C**). The conditions of approval have been varied on eight occasions, with a consolidated approval notice prepared on 9 October 2019 (**Attachment D**).
 - **Conditions 3 and 5** of the approval require the approval holder to prepare, respectively, an Offset Management Plan for (a) the Bobadeen East Offset Area,

and (b) the Brokenback Conservation Area and Spring Gully Cliff Line Management Area. These conditions also detail the requirements of the Offset Management Plans.

- The offset plans have previously been approved (**Attachment E**).
 - A revised plan must be submitted to the Minister for approval.
3. On 21 March 2016 a delegate of the Minister approved under the EPBC Act with conditions the extension of the existing Ulan West Underground coal mine and surface infrastructure, Ulan, NSW (**Attachment F**). The conditions of approval have not been varied.
- **Condition 3** of the approval specifies the requirements for a monitoring program to detect and measure the impacts of subsidence on White Box – Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands ecological community at the impact site.
4. In February 2019 the approval holder submitted a revised Biodiversity Management Plan (BMP) for review and approval (**Attachment G**), and that addresses the management and monitoring requirements for, respectively, EPBC 2009/5252 and EPBC 2015/7511.

Evaluation

5. The Department's evaluation of the adequacy of the revised approved BMP is at **Attachment H**. The Department considers the *Ulan Coal Biodiversity Management Plan*, dated 4 December 2019 at **Attachment A** meets the requirements of:
- Conditions 3 and 5 of the EPBC Act approval for EPBC 2009/5252; and
 - Condition 3 of the EPBC Act approval for EPBC 2015/7511.

Attachments

- A. *Ulan Coal Biodiversity Management Plan, Version 5.3, 4 December 2019 (for approval)*.
- B. Letter to the approval holder advising of your decisions (**for signature**).
- C. Conditions of approval for EPBC 2009/5252 at 30 November 2010.
- D. Consolidated conditions of approval for EPBC 2009/5252.
- E. Approval of BMP dated 14 November 2014.
- F. Conditions of approval for EPBC 2015/7511.
- G. Request from approval holder to revise the BMP.
- H. Department's evaluation of the *Ulan Coal Biodiversity Management Plan, Version 5.3, dated 4 December 2019*.
- I. Curriculum vitae of the *suitably qualified persons* that prepared the revised BMP.